

EXHIBIT “P-19”

Page 1

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 - - -

4 AMERICAN ENVIRONMENTAL : No. 2:22-CV-0688 (JMY)

5 ENTERPRISES, INC. d/b/a :

6 THESAFETYHOUSE.COM :

7 vs. :

8 MANFRED STERNBERG, ESQUIRE, :

9 et al :

10 -----

11 Deposition of GARY WEISS, taken at

12 Bluestone Country Club, 711 Boehms Church

13 Road, Blue Bell, Pennsylvania on Friday,

14 February 16, 2024, commencing at 9:34 a.m.

15 before Kimberly A. Bursner, Registered

16 Professional Reporter and Notary Public.

17 -----

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Deposition of Gary Weiss

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1	COUNSEL APPEARED AS FOLLOWS:	1	GW-9 One-page photocopy of 213
2	Lightman & Manochi	2	email dated 7/19/23
3	BY: GARY P. LIGHTMAN, ESQUIRE	3	GW-10 Three-page photocopy 231
4	600 Germantown Pike, Suite 400	4	of declaration of Gary
5	Plymouth Meeting, PA 19422	5	Weiss
6	(215) 760-3000	6	GW-11 Two-page photocopy of 246
7	for the Plaintiff	7	declaration of Sam Gross
8	Goldberg & Segalla	8	GW-12 One-page photocopy, 264
9	BY: SETH LAVER, ESQUIRE	9	front and back, of emails
10	1700 Market Street, Suite 1418	10	GW-13 One-page color photocopy 269
11	Philadelphia, PA 19103-3907	11	of text message
12	(267) 519-6800	12	GW-14 One-page color photocopy 269
13	for Defendants Manfred	13	of text message
14	Sternberg, Esquire and	14	
15	Manfred Sternberg &	15	
16	Associates, P.C.	16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
1	Rebar Kelly	1	GW-17B One-page list of wire 189
2	BY: PATRICK HEALEY, ESQUIRE	2	transfers
3	470 Norristown Road, Suite 201	3	
4	Blue Bell, PA 19422	4	
5	(484) 344-5340	5	
6	for Defendants Sokolski	6	
7	& Zekaria, P.C. & Daphna	7	
8	Zekaria	8	
9		9	
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8	Solar Diamond Wells Fargo	8	
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<p style="text-align: right;">Page 6</p> <p>1 (It is hereby stipulated by and 2 among counsel that the signing, sealing and 3 certification are waived; and that all 4 objections, except as to the form of the 5 question, are reserved until the time of 6 trial.) 7 --- 8 GARY WEISS, after having been duly 9 sworn, was examined and testified as 10 follows: 11 --- 12 BY MR. LIGHTMAN: 13 Q Good morning, Mr. Weiss. As you are aware, my 14 name is Gary Lightman. I'm the attorney for the 15 plaintiff in this case, American Environmental 16 Enterprises, Inc. doing business as The Safety 17 House. I'll call them Safety House or TSH today. 18 Okay. 19 I'm going to be asking you a series 20 of questions today. Please make sure you 21 understand the question. If you don't, let me know 22 and I'll do whatever is necessary to make my 23 question clear. 24 A Okay.</p>	<p style="text-align: right;">Page 8</p> <p>1 inference that you did, in fact, steal the water 2 bottle. That's the difference between civil 3 proceedings like this and criminal. They can't 4 hold it against you in a criminal case. We can 5 hold it against you in a civil case. Do you 6 understand that? 7 A Yes. 8 Q Are you under the influence of any drugs, 9 intoxicants, medications or are you suffering from 10 any physical, mental or other disability that would 11 affect your ability to think logically and clearly 12 and recall past events? 13 A I take every day blood pressure medication. 14 Q What kind of blood pressure medication? 15 A Olmesartan. 16 Q Does that affect your ability to think 17 logically and clearly and recall past events? 18 A I really don't know. I just know that it 19 helps my blood pressure. Without it, could be -- 20 Q Your blood goes high? 21 A I also take Indocin. Indomethacin. 22 Indomethacin that I take daily also. That's a drug 23 that reduces pain due to inflammation. I'm about 24 to have knee replacement surgery, so my two bones</p>
<p style="text-align: right;">Page 7</p> <p>1 Q When you answer, please verbalize your answers 2 so that the court reporter sitting between us can 3 transcribe it? 4 A I understand. 5 Q Please tell the truth. Please answer each 6 question as fully and completely as possible. 7 Don't guess. If you don't remember the answer to a 8 question or don't know, it's perfectly acceptable 9 to say "I don't remember" or "I don't know," 10 unless, of course, you do? 11 A Okay. 12 Q You're aware that you are under oath today and 13 what you say may have other repercussions outside 14 of this case if you are not telling the truth under 15 oath. Are you aware of that? 16 A I understand. 17 Q You have the absolute right in response to any 18 question to say, "I invoke my fifth amendment right 19 against self-incrimination and refuse to answer." 20 Unlike the criminal context where they can't use 21 that against you, if I say to you, did you steal my 22 water bottle and you say "I invoke my fifth 23 amendment right against incrimination. I refuse to 24 answer", the civil court can make an adverse</p>	<p style="text-align: right;">Page 9</p> <p>1 are clashing and without that, I cannot have the 2 day. 3 Q A partial or a total knee replacement? 4 A I don't know how they call it, but what they 5 do is they shave the two up and down and put 6 something in the middle. 7 Q I've had a total knee replacement. Whatever 8 they tell you to do, do exercise and rehab because 9 it will cut your recovery time down from three to 10 six months to one to three months. 11 MR. LAVER: Pardon me. When is the 12 procedure? 13 THE WITNESS: On the 29th. 14 MR. LAVER: Of this month? 15 THE WITNESS: Yeah. 16 BY MR. LIGHTMAN: 17 Q Other than those medications, none of those 18 medications fog your mind? 19 A I don't think so. I don't think so. 20 Q So, if I ask you a question and you give me an 21 answer, I'm going to assume that, first, you 22 understood it and, second, you answered it in 23 accordance with these instructions? 24 A If I don't understand, I'll ask you again and</p>

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<p style="text-align: right;">Page 10</p> <p>1 I will force to think about it.</p> <p>2 Q Have you ever been deposed before?</p> <p>3 A Yes.</p> <p>4 Q How many times?</p> <p>5 A Once.</p> <p>6 Q Where? What was the case?</p> <p>7 A It was maybe 15 years ago.</p> <p>8 Q Were you a party in that case?</p> <p>9 A Yeah.</p> <p>10 Q Defendant or plaintiff?</p> <p>11 A My wife sued me for support. Ex-wife.</p> <p>12 MR. LIGHTMAN: Ask you to mark this</p> <p>13 a Gary Weiss-1, please. GW-1.</p> <p>14 (Seven-page photocopy of notice of</p> <p>15 deposition, front and back, with request for</p> <p>16 production of documents marked GW-1, for</p> <p>17 identification.)</p> <p>18 THE WITNESS: Mr. Lightman, I asked</p> <p>19 you a copy of the deposition for Mr. Manfred.</p> <p>20 Do you have it with you?</p> <p>21 BY MR. LIGHTMAN:</p> <p>22 Q Not yet. As soon as it is transcribed and</p> <p>23 available, I will get in touch with the court</p> <p>24 reporter.</p>	<p style="text-align: right;">Page 12</p> <p>1 don't remember it.</p> <p>2 Q So showing you my computer. There is an</p> <p>3 e-mail dated January 13, '24, to Gary Weiss. Gary</p> <p>4 Weiss, you are hereby served with the attached</p> <p>5 notice of oral deposition of Gary Weiss and A.</p> <p>6 Solar Diamond. Do you see that?</p> <p>7 A Mr. Lightman, you asked me if I read the whole</p> <p>8 thing.</p> <p>9 Q First I asked you if you received it?</p> <p>10 A I don't remember, so...</p> <p>11 Q Is this your right e-mail address</p> <p>12 monipair@aol.com at Gary Weiss?</p> <p>13 A Yes. I am just telling you that I don't</p> <p>14 remember reading it. I didn't say you didn't send</p> <p>15 it. Do you understand?</p> <p>16 Q Yes.</p> <p>17 A I read just the first page, so I am here</p> <p>18 individually and nobody.</p> <p>19 Q Are you here on behalf of A. Solar Diamond?</p> <p>20 A No.</p> <p>21 Q Then we are going to have to bring you back a</p> <p>22 second time to testify for A. Solar and A. Solar</p> <p>23 Diamond?</p> <p>24 A Okay.</p>
<p style="text-align: right;">Page 11</p> <p>1 A I'll appreciate it.</p> <p>2 Q Deposition Exhibit GW-1 is a copy of the</p> <p>3 deposition notice that we served on you scheduling</p> <p>4 your deposition for today. We copied all opposing</p> <p>5 parties and interested parties in this case with a</p> <p>6 production of documents. You received this when we</p> <p>7 sent it to you; correct?</p> <p>8 A (Nods heads up and down.)</p> <p>9 Q We sent this to you on or about January 12th.</p> <p>10 You received this in the mail in an e-mail from me</p> <p>11 enclosing your deposition notice. If you look at</p> <p>12 the first page, it says to Gary Weiss individually</p> <p>13 as the designated representative --</p> <p>14 A How many pages did you send me?</p> <p>15 Q Fourteen pages.</p> <p>16 A Then I did not read 14 pages.</p> <p>17 Q But you got this deposition notice; right?</p> <p>18 A I cannot say for sure, you know. I have to</p> <p>19 read it for one and I don't remember really what I</p> <p>20 read. I read so much material, so you are asking</p> <p>21 me to look over a document that is very long.</p> <p>22 That's the truth here, so...</p> <p>23 Q Hold on a second.</p> <p>24 A You sent it to me in an e-mail. Nope. I</p>	<p style="text-align: right;">Page 13</p> <p>1 Q There is two ways to proceed.</p> <p>2 A Okay.</p> <p>3 Q You can either say, I agree that the testimony</p> <p>4 I'm giving is on behalf of me and my LLC, or you</p> <p>5 can say, I just want to testify personally in which</p> <p>6 case I will have to reschedule another deposition?</p> <p>7 A Let me -- let me tell you why I say that. I</p> <p>8 understand you.</p> <p>9 Q Okay.</p> <p>10 A I was told that a corporation, an entity like</p> <p>11 this is to be represented by a lawyer. I do not</p> <p>12 have a lawyer. You brought it in front of the</p> <p>13 judge and he ruled that there's no more testimony</p> <p>14 by A. Solar Diamond. As far as I'm -- to say</p> <p>15 anything about A. Solar Diamond, there is a order</p> <p>16 of not to continue with the testimony. There is an</p> <p>17 order for A. Solar Diamond. A. Solar Diamond</p> <p>18 doesn't have anybody to represent or defend it.</p> <p>19 I'm not a lawyer and I can talk only for myself.</p> <p>20 Just for that. I have to look exactly what is --</p> <p>21 which order it was and to tell you where the Judge</p> <p>22 Young closed any proceedings right now until the</p> <p>23 trial itself regarding A. Solar Diamond.</p> <p>24 Q Okay. I hear you, but I disagree with your --</p>

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<p style="text-align: right;">Page 14</p> <p>1 A You know what I mean, though? 2 Q I hear what you are saying, but I disagree 3 with your interpretation of it. I agree. The 4 judge said A. Solar Diamond, LLC has to have an 5 attorney to do things in court, but A. Solar 6 Diamond, LLC does not have to have a lawyer 7 representing in order to give deposition testimony. 8 Just so it's clear, you have the 9 right to give testimony deposition both on behalf 10 of yourself and your entity. If you choose just to 11 give it on behalf of yourself individually, we have 12 the right to schedule another deposition of A. 13 Solar Diamond, LLC and/or A. Solar, LLC. 14 So, with that understanding, are you 15 giving testimony today just on your behalf 16 individually or on behalf of your LLC as well? 17 A I came here to give as much information as -- 18 Q I understand. 19 A You understand? So I just -- 20 Q If you agree to give testimony both 21 individually and on behalf of your LLC, it will not 22 be necessary to bring you back for a second 23 deposition. So it's up to you. I don't really 24 care.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q So it does not become part of a public 2 deposition transcript. We did this with Manfred 3 Sternberg as well. He wrote it down. I don't 4 care. If you want it to be part of the deposition 5 transcript, that's fine, too. 6 What's your Social Security number? 7 A I mean, is this a necessary thing for the 8 proceedings? 9 Q Yes. 10 A Can you tell me why? 11 Q I'm entitled to have that information. I'm 12 going to ask you for your date of birth and for 13 your Social Security number. Let me guess. Is 14 your date of birth 2/28/1951? 15 A My date of birth is 2/28/1951. 16 Q And your Social Security number? 17 A Is 119-52-2475. 18 Q Can I see your driver's license? Can you take 19 out your wallet and let me see your driver's 20 license? 21 A At this point I don't think that we need the 22 driver's license. 23 Q Does your driver's license show that you live 24 at 437 1st Avenue in Elizabeth?</p>
<p style="text-align: right;">Page 15</p> <p>1 MR. LAVER: Let's go off the record 2 for a second. 3 --- 4 (Discussion off the record.) 5 --- 6 MR. LIGHTMAN: Let's go back on the 7 record. 8 BY MR. LIGHTMAN: 9 Q So during the record, all three attorneys 10 explained to you the difference in concept. You 11 are willing to give testimony today, the truth as 12 you know it, both for yourself and for your LLC; 13 correct? 14 A Exactly. 15 Q Okay. I'm going to hand you a piece of paper. 16 I don't want this to become part of the public 17 record. Could you take your pen that's in front of 18 you and write your Social Security number on that 19 piece of paper? 20 A I will tell you my Social Security number. 21 Q I don't want to -- if you want, you can, but 22 it becomes part of the deposition record. What is 23 your Social Security number? 24 A Why do you want me to write it down?</p>	<p style="text-align: right;">Page 17</p> <p>1 A Yes. 2 Q Your cell phone number is (908) 546-2649? 3 A Yes. 4 Q Are you aware that that's the same number that 5 someone who identified themselves as Shruga when 6 they called Dan Scully? 7 A I'm not aware. 8 Q What's the name on your driver's license? 9 A Let me take a look. 10 Q Okay. 11 A My name says, Gary Weiss. 12 Q Can you give me your driver's license number 13 from that? 14 A Yeah. W231127400. 15 Q And -- 16 A 02514. 17 Q W23112740002514; correct? 18 A Yes. 19 Q New Jersey? 20 A New Jersey driver's license. 21 Q And your e-mail address is 22 Wgary4109@gmail.com? 23 A Yes. 24 Q And you have a second e-mail address</p>

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<p style="text-align: right;">Page 18</p> <p>1 monipair@aol.com?</p> <p>2 A Correct.</p> <p>3 Q Do you have any other e-mail addresses that</p> <p>4 you use?</p> <p>5 A No.</p> <p>6 Q Why do you have two different e-mail</p> <p>7 addresses?</p> <p>8 A (Shrugs.)</p> <p>9 Q You can't shrug. You can say "I don't know,"</p> <p>10 but a shrug of the shoulder will not be --</p> <p>11 A One of them is a g-mail. One of them is AOL.</p> <p>12 That's basically what it is.</p> <p>13 Q Do you use -- is there a special purpose used</p> <p>14 for monipair?</p> <p>15 A No.</p> <p>16 Q Do you have a website?</p> <p>17 A I have a website.</p> <p>18 Q What's the website address?</p> <p>19 A Jewelformeblue.com.</p> <p>20 Q Jewelformeblue.com. Do you own that website?</p> <p>21 A Yeah.</p> <p>22 Q And do you have any other websites?</p> <p>23 A No.</p> <p>24 Q Does A. Solar or A. Solar Diamond, LLC have a</p>	<p style="text-align: right;">Page 20</p> <p>1 Q Did he tell you what the cases are about?</p> <p>2 A Something about fraud.</p> <p>3 Q Something about fraud. Okay. Were you aware</p> <p>4 of this before you got involved with him in these</p> <p>5 transactions involving the test kits?</p> <p>6 A Okay. I -- I met Sam Gross in 2002, I think.</p> <p>7 He was selling diamonds and I was his first</p> <p>8 customer and we have been doing business since</p> <p>9 then.</p> <p>10 Q So you were aware he got charged in connection</p> <p>11 with fraud involving diamonds embezzlement and went</p> <p>12 to jail for that?</p> <p>13 A No. I found out later.</p> <p>14 Q Did you find out before you did business with</p> <p>15 him involving the test kits?</p> <p>16 A I found out about six months or eight months</p> <p>17 or a year, something like that.</p> <p>18 Q So after you did business with him with the</p> <p>19 test kits?</p> <p>20 A Yes.</p> <p>21 Q Don't get offended by my next questions</p> <p>22 because I'm a Jewish person. Are you a practicing</p> <p>23 Jew?</p> <p>24 A No.</p>
<p style="text-align: right;">Page 19</p> <p>1 website?</p> <p>2 A No.</p> <p>3 Q Are there any other websites that you maintain</p> <p>4 in any other name or capacity?</p> <p>5 A No.</p> <p>6 Q Have you ever been convicted of a crime?</p> <p>7 A No.</p> <p>8 Q You are under oath. It's easy to find out, so</p> <p>9 your testimony is --</p> <p>10 A Mr. Lightman, the answer is no.</p> <p>11 Q Do you have a criminal record?</p> <p>12 A No.</p> <p>13 Q Were you aware that Sam Gross is a convicted</p> <p>14 felon?</p> <p>15 A Yes.</p> <p>16 Q How did you --</p> <p>17 A Do you want to take a copy of my driver's</p> <p>18 license? Is this going to help you?</p> <p>19 Q Thanks.</p> <p>20 A Can I put this away?</p> <p>21 Q Yeah. You can put that away. How are you</p> <p>22 aware that Sam Gross is a convicted felon?</p> <p>23 A I Google his name and he told me that he's</p> <p>24 embroiled in to two cases in downtown, New York.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q So you don't go to services?</p> <p>2 A No.</p> <p>3 Q Do you keep Kosher?</p> <p>4 A No.</p> <p>5 Q Do you observe the Sabbath?</p> <p>6 A No.</p> <p>7 Q What's your residence address? Where do you</p> <p>8 live?</p> <p>9 A I live at 650 Fairway Drive, Union, New Jersey</p> <p>10 07083.</p> <p>11 Q How long have you lived there? How long have</p> <p>12 you lived there?</p> <p>13 A Several weeks.</p> <p>14 Q So just recently?</p> <p>15 A Yeah. And I have another address.</p> <p>16 Q What's your other address?</p> <p>17 A 277 Taquitahuana.</p> <p>18 Q Can you spell it, please?</p> <p>19 A That's what I'm going to do now.</p> <p>20 Q Okay.</p> <p>21 A T-a-q-u-i-t-a-h-u-a-n-a.</p> <p>22 Q T or a D to start?</p> <p>23 MR. LAVER: T.</p> <p>24 THE WITNESS: T with a T. Thomas.</p>

6 (Pages 18 to 21)

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<p style="text-align: right;">Page 22</p> <p>1 BY MR. LIGHTMAN: 2 Q T-a-q-u-i-t-a-h-u-a-n-a Drive? 3 A Just -- 4 Q And where is that? 5 A That's San Miquel, Lima, Peru. 6 Q How long have you -- do you own that? 7 A My wife owns. 8 Q Your wife. What's her name? 9 A Mirtha Pantoja. 10 Q M-i-r-t-h-a P-a-n-t-o-j-a? 11 A Correct. 12 Q So she owns it. How long has she owned the 13 San Miquel, Lima, Peru property? 14 A We are married 13 years, so way before that. 15 Q So she owned it before you married her? 16 A Yeah. About 35 years. 17 Q So she owned it about 35 years. And that's 18 your second address because you vacation there with 19 her? 20 A I live there. 21 Q Part of the time? 22 A Yeah. 23 Q And so you live in Peru half of the year and 24 here half of the year?</p>	<p style="text-align: right;">Page 24</p> <p>1 Drive? 2 A I may not live there very long so... 3 Q Do you rent that or own it? 4 A Yeah. Rent. 5 Q You rent it. Okay. Who did you rent it from? 6 A Alberto Herrera. 7 Q Why do you say "I may not live there very 8 long"? 9 A We plan to live in warmer weather a little 10 bit. 11 Q Does your wife live at the Fairway Drive 12 address with you? 13 A She just came back, yes, but she's not going 14 to be there -- 15 Q What? 16 A She is going to Peru. 17 Q To live full time? 18 A Probably, yeah. 19 Q Who lives at 437 1st Avenue? 20 A I used to live there. 21 Q Did you -- does anyone live there right now? 22 A Right now, it's for rent. 23 Q You still own it? 24 A No.</p>
<p style="text-align: right;">Page 23</p> <p>1 A On and off, yeah. 2 Q And you recently went to Peru; right? Did you 3 recently go to Peru? 4 A No. 5 Q When's the last time you were in Peru? 6 A Last year. 7 Q In 2023? 8 A Yeah. 9 Q What month? 10 A I have to look exactly. 11 Q Is it the first half of the year or the last 12 half of the year? 13 A The first half of the year probably. 14 Q Are you planning to go down to Peru soon? 15 A Well, maybe after my operation, yeah. 16 Q You don't have any tickets or travel plans 17 now? 18 A No. 19 Q And your operation is the 29th of January, 20 right, for a knee replacements? 21 A Right. 22 Q When you moved to Fairway Drive, why didn't 23 you get the address on your license changed from 24 437 one half 1st Avenue, Elizabeth to your Fairway</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Who owns the property? 2 A I'm trying to remember his name. Frank -- I 3 don't remember his last name right now. I'll 4 remember later on, I'll tell you. 5 Q How long has he owned the property? 6 A I believe 30 years. 7 Q Thirty years? 8 A Yeah. 9 Q And when you lived there, did you pay him 10 rent? 11 A Of course. 12 Q How much was your rent? 13 A About 1,400. 14 Q And you said your wife's name is Mirtha, 15 M-i-r-t-h-a. Pantoja, P-a-n-t-o-j-a? 16 A Yes. 17 Q What's Irate, I-r-a-t-e? Is that her last 18 name or maiden name or -- 19 A I think maiden name. 20 Q Do you have any children? 21 A Yeah. 22 Q How many children? 23 A Four. 24 Q And what are their names?</p>

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<p>1 A Edmond.</p> <p>2 Q E-d-m-o-n-d?</p> <p>3 A Yeah. Galit.</p> <p>4 Q G-a-l-a-t?</p> <p>5 A G-a-l-i-t. Yael, Y-a-e-l. And Efrat,</p> <p>6 E-f-r-a-t.</p> <p>7 Q Is Efrat the youngest?</p> <p>8 A Excuse me?</p> <p>9 Q Is Efrat the youngest?</p> <p>10 A Efrat is the youngest.</p> <p>11 Q How old is she?</p> <p>12 A Twenty.</p> <p>13 Q And is Edmond the oldest?</p> <p>14 A Yes.</p> <p>15 Q How old is he?</p> <p>16 A Thirty. No. He's not the oldest. Galit is</p> <p>17 the oldest.</p> <p>18 Q How old is Galit?</p> <p>19 A Thirty-five.</p> <p>20 Q Do they have the same last name as yours?</p> <p>21 Weiss?</p> <p>22 A Yes.</p> <p>23 Q All of them?</p> <p>24 A All of them.</p>	<p>1 2015. Do you see that? Very first paragraph?</p> <p>2 A Yeah.</p> <p>3 Q And the registered agent is your wife, Mirtha</p> <p>4 Pantoja; correct?</p> <p>5 A Yes.</p> <p>6 Q And the registered office is 739 Vine Street,</p> <p>7 Elizabeth, New Jersey; correct?</p> <p>8 A Correct.</p> <p>9 Q What is 739 Vine Street?</p> <p>10 A I used to live there.</p> <p>11 Q You used to live there. Do you still own that</p> <p>12 property?</p> <p>13 A I used to live there.</p> <p>14 Q Do you -- did you live there -- you didn't</p> <p>15 live there as of 2015, did you, or what --</p> <p>16 A I lived there 20 --</p> <p>17 Q You lived there 2015?</p> <p>18 A Yeah.</p> <p>19 Q When did you move out of 739 Vine Street?</p> <p>20 A I don't remember exactly. I'm trying to</p> <p>21 calculate. Maybe 2018.</p> <p>22 Q And did you own 739 Vine Street?</p> <p>23 A No.</p> <p>24 Q Who owned it?</p>
Page 27	Page 29
<p>1 Q And is your wife, does she have any interest</p> <p>2 in A. Solar, LLC either as an owner, member,</p> <p>3 shareholder, officer, partner, director, employee</p> <p>4 or otherwise of A. Solar, LLC?</p> <p>5 A Yeah. She -- the LLC was formed in her name.</p> <p>6 Q A. Solar, LLC or A. Solar Diamond, LLC?</p> <p>7 A A. Solar Diamond, LLC.</p> <p>8 MR. LIGHTMAN: Can we have this</p> <p>9 marked as Gary Weiss-2.</p> <p>10 (Two-page photocopy, front and back,</p> <p>11 of certificate of formation marked GW-2, for</p> <p>12 identification.)</p> <p>13 BY MR. LIGHTMAN:</p> <p>14 Q Mr. Weiss, I'll represent to you that the</p> <p>15 document marked as Gary Weiss-2, G W-2, is the</p> <p>16 certificate of formation for A. Solar Diamond, LLC</p> <p>17 and the certificate of amendment for A. Solar</p> <p>18 Diamond, LLC.</p> <p>19 Before we get to this -- well, let's</p> <p>20 do this now. This shows the address for A. Solar</p> <p>21 Diamond, LLC. Strike that.</p> <p>22 This shows that this document -- this</p> <p>23 states that A. Solar Diamond, LLC was duly formed</p> <p>24 in accordance with New Jersey State Law on June 24,</p>	<p>1 A It used to be Miguel Tixi. Miguel. Tixi,</p> <p>2 T-i-x-i, that was the name.</p> <p>3 Q And you paid rent to him?</p> <p>4 A Yeah.</p> <p>5 Q Who did the formation of this LLC?</p> <p>6 A My wife.</p> <p>7 Q Did she actually fill out the paperwork and</p> <p>8 file it with the State of New Jersey?</p> <p>9 A Probably I helped her.</p> <p>10 Q And did A. Solar Diamond have any addresses --</p> <p>11 where is A. Solar Diamond based now?</p> <p>12 A It does not operate right now.</p> <p>13 Q When did it stop operating?</p> <p>14 A Sometime in 2017.</p> <p>15 Q When -- in 2015 did A. Solar Diamond file tax</p> <p>16 returns?</p> <p>17 A I don't remember.</p> <p>18 Q Do you remember if A. Solar Diamond filed any</p> <p>19 tax returns?</p> <p>20 A I don't remember if we filed it separately for</p> <p>21 A. Solar Diamond.</p> <p>22 Q Does your wife, Mirtha, know she's the</p> <p>23 registered agent of this entity?</p> <p>24 A I think she does, yeah.</p>

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Deposition of Gary Weiss

Friday

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<p>1 Q Who is Mike Wilson?</p> <p>2 A I don't know.</p> <p>3 Q On here it says signatures, Mike Wilson,</p> <p>4 authorized representative?</p> <p>5 A I have no idea.</p> <p>6 Q You have no idea. Who were the owners of A.</p> <p>7 Solar Diamond, LLC?</p> <p>8 A It was registered in Mirtha's name.</p> <p>9 Q So Mirtha's the owner of A. Solar Diamond,</p> <p>10 LLC?</p> <p>11 A Yeah.</p> <p>12 Q Is there any other owners?</p> <p>13 A No.</p> <p>14 Q This states that Mirtha is the member and</p> <p>15 manager of A. Solar Diamond when it was formed. Do</p> <p>16 you see that under number five?</p> <p>17 A Yeah.</p> <p>18 Q Are there any other members or managers of A.</p> <p>19 Solar Diamond, LLC?</p> <p>20 A Well, I used to help her with the business,</p> <p>21 yeah.</p> <p>22 Q Were you a member of A. Solar Diamond, LLC?</p> <p>23 A By "member," you mean what?</p> <p>24 Q A --</p>	<p>1 Q So it never had employees?</p> <p>2 A No.</p> <p>3 Q Or other personnel, other than you and your</p> <p>4 wife?</p> <p>5 A Right.</p> <p>6 Q Where did A. Solar Diamond bank when it was</p> <p>7 operating?</p> <p>8 A Wells Fargo.</p> <p>9 Q It had a Wells Fargo bank account. And who</p> <p>10 were the signatory on the -- were you a signatory</p> <p>11 on the Wells Fargo bank account?</p> <p>12 A I was.</p> <p>13 Q What?</p> <p>14 A I was.</p> <p>15 Q You were. So, even though you had no official</p> <p>16 position with A. Solar Diamond, you were signatory</p> <p>17 to the bank?</p> <p>18 A Yes.</p> <p>19 Q And was your wife a signatory to the bank</p> <p>20 account?</p> <p>21 A Well, it was opened in her name. It was of</p> <p>22 this --</p> <p>23 Q Okay. So, it was opened A. Solar Diamond, LLC</p> <p>24 and she was authorized signatory and you were an</p>
Page 31	Page 33
<p>1 A I'm not registered on papers as member.</p> <p>2 Q So, you just helped her out. In what capacity</p> <p>3 did you help her out? As an employee?</p> <p>4 A No.</p> <p>5 Q Just because --</p> <p>6 A We used to sell jewelry, so...</p> <p>7 Q A. Solar Diamond used to sell jewelry?</p> <p>8 A Yeah.</p> <p>9 Q And you used to help her in those jewelry</p> <p>10 sales?</p> <p>11 A Yeah.</p> <p>12 Q Did Mirtha ever sell jewelry?</p> <p>13 A Yes.</p> <p>14 Q Does she do now? Does she sell jewelry now?</p> <p>15 A I don't think so.</p> <p>16 Q When is the last time she sold jewelry?</p> <p>17 A Oh, some years.</p> <p>18 Q Does A. Solar Diamond have any other members</p> <p>19 or employees or personnel, other than you and your</p> <p>20 wife?</p> <p>21 A No.</p> <p>22 Q At any time, did it have anything, other than</p> <p>23 you and your wife?</p> <p>24 A No.</p>	<p>1 authorized signatory?</p> <p>2 A Yes.</p> <p>3 Q When Manfred Sternberg transferred 219,000,</p> <p>4 wired it to you on February 1st, did it go in to</p> <p>5 the A. Solar Diamond bank account at Wells Fargo?</p> <p>6 A Correct.</p> <p>7 Q Hu?</p> <p>8 A Correct. Yes.</p> <p>9 Q And the money that Daphna Zekaria wired to</p> <p>10 you, the three wires she made to you, that went in</p> <p>11 to the A. Solar Diamond bank account at Wells</p> <p>12 Fargo?</p> <p>13 A Correct.</p> <p>14 Q Do you have a personal account at Wells Fargo?</p> <p>15 A Yes.</p> <p>16 Q Did any of the money get wired to your</p> <p>17 personal account?</p> <p>18 A No.</p> <p>19 Q Was A. Solar Diamond involved in any aspect in</p> <p>20 the test kit transactions of the subject matter of</p> <p>21 The Safety House complaint?</p> <p>22 A No.</p> <p>23 Q None at all?</p> <p>24 A No.</p>

9 (Pages 30 to 33)

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<p style="text-align: right;">Page 34</p> <p>1 Q No, none at all or, no, that is not correct?</p> <p>2 That is correct or --</p> <p>3 A No. A. Solar Diamond was not involved in your</p> <p>4 question.</p> <p>5 Q The test kit transactions?</p> <p>6 A Yes.</p> <p>7 Q And does A. Solar Diamond have a phone number?</p> <p>8 A No.</p> <p>9 Q And does it have a website address?</p> <p>10 A No.</p> <p>11 Q Does it have an employee identification</p> <p>12 number?</p> <p>13 A It does.</p> <p>14 Q Does A. Solar Diamond have an accountant?</p> <p>15 A No.</p> <p>16 Q Do you have an accountant?</p> <p>17 A No.</p> <p>18 Q Does your wife have an accountant?</p> <p>19 A No.</p> <p>20 Q Let's talk about -- let's go to the second</p> <p>21 page of this Gary Weiss-2. It's a certificate of</p> <p>22 amendment for A. Solar Diamond. If you look at</p> <p>23 number five it says, this was filed -- if you look</p> <p>24 at the stamp with the state treasurer on August 11,</p>	<p style="text-align: right;">Page 36</p> <p>1 Q I will represent to you, Mr. Weiss, that this</p> <p>2 is a picture of a posting made by -- made on the</p> <p>3 Morena Menjibar Facebook page that I looked at</p> <p>4 yesterday and made a copy of in terms of the</p> <p>5 exhibit.</p> <p>6 Do you recognize Morena Menjibar?</p> <p>7 A No.</p> <p>8 Q She's not one of these two people?</p> <p>9 A No.</p> <p>10 Q So even though you made her a member of A.</p> <p>11 Solar Diamond, you can't recognize her from this</p> <p>12 picture?</p> <p>13 MR. LAVER: Objection to form.</p> <p>14 THE WITNESS: Okay. I'm sorry.</p> <p>15 BY MR. LIGHTMAN:</p> <p>16 Q From time to time one of the attorneys may</p> <p>17 object --</p> <p>18 A I will make it --</p> <p>19 Q Hold on a second. From time to time, one of</p> <p>20 the attorneys may interpose an objection. Don't</p> <p>21 let that bother you. Okay?</p> <p>22 A None of this ladies is Morena Menjibar.</p> <p>23 Morena Menjibar is my friend. I know exactly how</p> <p>24 she looks.</p>
<p style="text-align: right;">Page 35</p> <p>1 2015; correct? Top right there is a file block</p> <p>2 right there. Second page. Not the formation.</p> <p>3 That's it. The amendment. This is a certificate</p> <p>4 of amendment filed with the state treasurer</p> <p>5 August 15, 2015; correct?</p> <p>6 A Oh, number five, yes, I see.</p> <p>7 Q And it says, number five -- number five, to</p> <p>8 add a member Morena Menjibar. Who is Morena</p> <p>9 Menjibar?</p> <p>10 A Morena Menjibar is a friend of my wife and me.</p> <p>11 Q Just a friend?</p> <p>12 A Yeah.</p> <p>13 Q And she lives at 441 1st Avenue; correct?</p> <p>14 A Correct. Yeah.</p> <p>15 Q That's next door to 437; correct?</p> <p>16 A Yeah.</p> <p>17 Q Is she a young person? An old person?</p> <p>18 A I would say she's about 50 -- yeah. About 50.</p> <p>19 In her 50s.</p> <p>20 MR. LIGHTMAN: Mark this as Gary</p> <p>21 Weiss-3, please.</p> <p>22 (One-page color photograph marked</p> <p>23 GW-3, for identification.)</p> <p>24 BY MR. LIGHTMAN:</p>	<p style="text-align: right;">Page 37</p> <p>1 Q So none of these pictures is Morena Menjibar?</p> <p>2 A No.</p> <p>3 Q Okay. My bad.</p> <p>4 A So let me put it here. Okay.</p> <p>5 MR. LAVER: Pardon me. Do you know</p> <p>6 either of the two individuals in this photo?</p> <p>7 THE WITNESS: No.</p> <p>8 MR. LAVER: No?</p> <p>9 THE WITNESS: No. This is none of</p> <p>10 them is anybody that I know. Okay. So we</p> <p>11 put this story.</p> <p>12 BY MR. LIGHTMAN:</p> <p>13 Q So why was Morena Menjibar added as a member</p> <p>14 to A. Solar Diamond in August of 2015?</p> <p>15 A Because Mirtha Pantoja and Morena Menjibar,</p> <p>16 they used to sell jewelry together.</p> <p>17 Q Your wife and Morena?</p> <p>18 A Yes. They friends. Members of the church,</p> <p>19 so...</p> <p>20 Q Who is Imelda Vasquez? If you look at this</p> <p>21 Gary Weiss-2 at the bottom of the certificate of</p> <p>22 amendment it says signature name, I-m-e-l-d-a</p> <p>23 Vasquez, V-a-s-q-u-e-z, authorized representative?</p> <p>24 A I don't know. This is probably the formation.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q You don't know who that is. Now, let's talk 2 about A. Solar, LLC. Is it your contention that A. 3 Solar, LLC is an entity separate and apart from A. 4 Solar Diamond, LLC? 5 A Can you explain the question, please? 6 Q Yes. You -- 7 A Can you answer -- ask the question again. 8 Q I'll ask it again. 9 A Sure. 10 Q When we were in court on November 9th in front 11 of Judge Young and we told the judge that we could 12 not find any documents showing that A. Solar, LLC 13 was an entity, but we found documents showing A. 14 Solar Diamond, LLC was an entity, you stood up and 15 swore under oath to Judge Young that A. Solar, LLC 16 was a separate entity separate and apart from A. 17 Solar Diamond, LLC. 18 Do you remember saying that statement 19 under oath? 20 A Most likely. I'm sure that you are not 21 inventing it, so the answer would be yes. 22 Q Okay. 23 MR. LIGHTMAN: Can we have this 24 marked as Gary Weiss-4, please.</p>	<p style="text-align: right;">Page 40</p> <p>1 information was correct before it was filed; right? 2 A I would tell her if something is incorrect. 3 Q So your general practice was that you would 4 review drafts of pleadings that she filed while she 5 was your attorney and you would either tell her 6 this is fine or correct it; right? 7 A Correct. 8 Q And if you look at paragraph 25 of this 9 document, it says, quote, simply put, A. Solar 10 Diamond, LLC and A. Solar, LLC are not the same 11 entity; correct? 12 A Correct. 13 Q So why did she write that in a pleading that 14 was presented to the judge? 15 A She wrote the right thing. A. Solar Diamond, 16 LLC and A. Solar, LLC is not the same. It's very 17 clear. 18 Q So, you told the judge on November 9th that A. 19 Solar, LLC is a separate entity; correct? You told 20 Judge Young that A. Solar Diamond, LLC is a 21 separate entity from A. Solar Diamond, LLC; 22 correct? 23 A I don't know, but A. Solar, LLC does not 24 exist.</p>
<p style="text-align: right;">Page 39</p> <p>1 (Nine-page photocopy, front and back, 2 of motion to reconsider Court's order 3 allowing plaintiff to amend the caption of 4 their complaint marked GW-4, for 5 identification.) 6 MR. LIGHTMAN: My apologies to 7 counsel for the header not appearing on the 8 top. For some reason, I don't know why it 9 didn't, but -- 10 BY MR. LIGHTMAN: 11 Q Mr. Weiss, Gary Weiss -- the document marked 12 as Gary Weiss-4 is a filing that your attorney made 13 while you had an attorney ECF 104 filed 14 September 12, 2023. And this was filed by Rebecca 15 Price. She was the attorney for you and A. Solar; 16 correct? 17 A Correct. 18 Q And when she would make filings, she would 19 send you copies of the drafts and say, I would 20 like -- and let you review those before they were 21 filed; correct? 22 A Yes. 23 Q And if there was something incorrect or you 24 needed to change, you would change that so that the</p>	<p style="text-align: right;">Page 41</p> <p>1 Q It does not exist? 2 A I have no knowledge of A. Solar, LLC. 3 Q Is there an entity known as A. Solar, LLC or 4 A.SOLAR, LLC? 5 A Not that I know. There is no A.SOLAR, LLC. 6 Q So there are no formation documents because 7 that company doesn't exist; right? 8 A Again, I am repeating. A.SOLAR, LLC does not 9 exist, to my knowledge. 10 Q Okay. So, when I ask -- when I refer to A. 11 Solar or A. Solar Diamond in this deposition I will 12 be referring to A. Solar Diamond, LLC. Okay? 13 A I understand. 14 Q Let's talk about your first involvement with 15 the I-Health COVID-19 test kit transactions 16 involving safety masks? 17 A Is this finished? 18 Q Yes. When were you first contacted to become 19 involved in these transactions? 20 A I believe it was the 24th of January 2022. 21 Q And who contacted you? 22 A Two persons. 23 Q Who were they? 24 A One by the name of Zadik and one by the name</p>

11 (Pages 38 to 41)

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<p style="text-align: right;">Page 42</p> <p>1 of Levon.</p> <p>2 Q Z-a --</p> <p>3 A Z-a-d-i-k.</p> <p>4 Q And what is the second person's name?</p> <p>5 A Levon, L-e-v-o-n.</p> <p>6 Q And who were they with?</p> <p>7 A Who are they with?</p> <p>8 Q Yes. Were they with a company or an entity or</p> <p>9 just contacted you individually?</p> <p>10 A They contacted me.</p> <p>11 Q Individually?</p> <p>12 A Individually.</p> <p>13 Q Who is Zadik's last name?</p> <p>14 A I don't know.</p> <p>15 Q What is Levon's last name?</p> <p>16 A I don't know.</p> <p>17 Q Why did they contact you?</p> <p>18 A I believe that they were dealing with COVID</p> <p>19 stuff and they met me and they ask me about -- if I</p> <p>20 know anybody that deals with that stuff.</p> <p>21 Q Okay. So this is before you knew that Sam</p> <p>22 Gross was dealing in this?</p> <p>23 A Sam Gross told me that he's dealing with that</p> <p>24 in the middle of 2020.</p>	<p style="text-align: right;">Page 44</p> <p>1 for several months, and I think in December --</p> <p>2 Q Of 2020?</p> <p>3 A I think. December or November of 2020.</p> <p>4 Q He called you or was it a personal visit or</p> <p>5 another phone call?</p> <p>6 A No. No. He called me.</p> <p>7 Q And what did -- what happened during that</p> <p>8 phone call in November, December of 2020?</p> <p>9 A He was telling me about stories about issues</p> <p>10 that he has with his wife and things like that.</p> <p>11 Q How did the subject of test kits or --</p> <p>12 A Didn't come up.</p> <p>13 Q This conversation in November, December was</p> <p>14 just about his wife?</p> <p>15 A Yeah. His wife. And he told me that he has</p> <p>16 to go to court and he has cases against him and</p> <p>17 things like that.</p> <p>18 Q And what kind of case? Did you ask him what</p> <p>19 kind of cases?</p> <p>20 A He told me that somebody is accusing him of</p> <p>21 taking a diamond and not paying for it.</p> <p>22 Q That's the criminal case pending in New York?</p> <p>23 A Yeah.</p> <p>24 Q During that phone call, November or December,</p>
<p style="text-align: right;">Page 43</p> <p>1 Q '20. So in the middle of -- even before you</p> <p>2 became involved with Zadik and Levon, Sam Gross</p> <p>3 told you mid-2020 that -- what did he tell you in</p> <p>4 mid-2020?</p> <p>5 A He told me that he's doing business with this</p> <p>6 type of merchandise.</p> <p>7 Q Meaning I-COVID test kits?</p> <p>8 A Yes.</p> <p>9 Q How about masks?</p> <p>10 A Everything that has to do with COVID.</p> <p>11 Q So PPE, personal protection equipment?</p> <p>12 A Everything that has to do with COVID, yeah.</p> <p>13 Q And when Sam told you this, was it in a</p> <p>14 meeting? Was it in a phone call?</p> <p>15 A I believe it was a phone call.</p> <p>16 Q And what did he -- did he ask you at that time</p> <p>17 to become involved in any capacity?</p> <p>18 A He ask me if I want to invest money in to</p> <p>19 buying any material like that like gloves and test</p> <p>20 kits or whatever.</p> <p>21 Q And what did you say?</p> <p>22 A I said no thanks.</p> <p>23 Q So when did Sam Gross then next contact you?</p> <p>24 A It was the year 2000. I didn't hear from him</p>	<p style="text-align: right;">Page 45</p> <p>1 did he mention anything to you about test kits?</p> <p>2 A No.</p> <p>3 Q When was the next time you -- when was the</p> <p>4 first time you spoke to Sam Gross involving sales</p> <p>5 of test kits?</p> <p>6 A On the 24th.</p> <p>7 Q The 24th of January?</p> <p>8 A Yeah. I called him.</p> <p>9 Q And what did you say to him?</p> <p>10 A I ask him if he still in the business of test</p> <p>11 kits.</p> <p>12 MR. LAVER: What year?</p> <p>13 THE WITNESS: 2022.</p> <p>14 BY MR. LIGHTMAN:</p> <p>15 Q And was this before or after the phone call</p> <p>16 from Zadik and Levon?</p> <p>17 A No.</p> <p>18 Q Before or after?</p> <p>19 A Zadik and Levon was not phone call.</p> <p>20 Q What was it?</p> <p>21 A Zadik and Levon was a personal meeting.</p> <p>22 Q Oh. Where was that personal meeting?</p> <p>23 A It was in a coffee shop that is called Pret.</p> <p>24 I don't remember the full name, but they have more</p>

12 (Pages 42 to 45)

<p style="text-align: right;">Page 46</p> <p>1 stores in Manhattan and the store is on 6th Avenue</p> <p>2 between 47 and 48. P-r-e-t. Munger or Manger.</p> <p>3 M-a-n-g-e-r, I believe that's Manger.</p> <p>4 Q Was that before, that coffee shop meeting was</p> <p>5 that before or after your phone call with Sam?</p> <p>6 A No. The coffee shop is where I made the</p> <p>7 stupid -- you ask me if they called me. No. They</p> <p>8 did not call me. They met me in the coffee shop.</p> <p>9 Q Was your meeting in the coffee shop with Zadik</p> <p>10 and Levon before or after you spoke to Sam?</p> <p>11 A No. That was in January of '24.</p> <p>12 Q You said on January 24 you had a meeting?</p> <p>13 A Of 2022.</p> <p>14 Q In 2022 you had a meeting with these people in</p> <p>15 a coffee shop?</p> <p>16 A Yes.</p> <p>17 Q And you also said that Sam Gross spoke to you</p> <p>18 on January 24, 2022?</p> <p>19 A I called him.</p> <p>20 Q Did you call him before or after this meeting?</p> <p>21 A After the meeting.</p> <p>22 Q So you met with Zadik and Levon at the coffee</p> <p>23 shop; right?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q Well, wait. Stop. Before the meeting ended,</p> <p>2 did you say to Zadik and Levon give me a phone</p> <p>3 number or an e-mail? How can I get in touch with</p> <p>4 you?</p> <p>5 A No. No. No. No. They were sitting there.</p> <p>6 Q Right. You called Sam from the coffee shop?</p> <p>7 A I saw -- I called Sam from the coffee shop.</p> <p>8 Q So, while you are meeting with Zadik and Levon</p> <p>9 in the coffee shop when they said, are you</p> <p>10 interested in test kits, you said I may know</p> <p>11 someone who is interested in this. You called Sam</p> <p>12 Gross from the coffee shop with Zadik and Levon</p> <p>13 there; correct?</p> <p>14 A Yes.</p> <p>15 Q Do you have Zadik or Levon's phone numbers?</p> <p>16 A I think I do.</p> <p>17 Q Can you take out your cell phone and see if</p> <p>18 you can give them to me?</p> <p>19 A Yeah.</p> <p>20 Q All right.</p> <p>21 A I am not sure this is their phone number.</p> <p>22 Okay. 201-575-0193.</p> <p>23 Q Can I see the screen that you are looking at,</p> <p>24 please?</p>
<p style="text-align: right;">Page 47</p> <p>1 Q And what was discussed in that meeting at the</p> <p>2 coffee shop?</p> <p>3 A Well, they said that they have kits.</p> <p>4 Q I-COVID test kits. I-Health I-COVID test</p> <p>5 kits?</p> <p>6 A I don't remember what they used exactly the</p> <p>7 language, but it was test kits.</p> <p>8 Q And how did Zadik and Levon contact you? Did</p> <p>9 they have your phone numbers?</p> <p>10 A No. They met me in the coffee shop.</p> <p>11 Q You just ran into them in the coffee shop or</p> <p>12 was the meeting prearranged?</p> <p>13 A I ran into them, but I have seen them there</p> <p>14 before and that's the place where we hang out</p> <p>15 sometimes when we have coffee.</p> <p>16 Q So this wasn't a prearranged meeting. You</p> <p>17 just met them there; right?</p> <p>18 A Exactly.</p> <p>19 Q When they said to you, they have these test</p> <p>20 kits, what did you say to them?</p> <p>21 A I said, I may know somebody that can use it.</p> <p>22 Q And how did the -- what else happened at that</p> <p>23 meeting?</p> <p>24 A I called Sam and he said that he has an order.</p>	<p style="text-align: right;">Page 49</p> <p>1 A (Witness complies with request.)</p> <p>2 Q Is Levon and Zadik. You have it as Levon and</p> <p>3 Zadik; right?</p> <p>4 A Right.</p> <p>5 Q Is that one person?</p> <p>6 A No.</p> <p>7 Q And it shows that you last or recent it shows</p> <p>8 your last phone call to them was December 8, 2023.</p> <p>9 Do you see that?</p> <p>10 A Right.</p> <p>11 Q And before that it was August 27, 2023?</p> <p>12 A Right.</p> <p>13 Q So you're in a coffee shop. They're telling</p> <p>14 you about this. You call Sam Gross and say what to</p> <p>15 him? What do you say to Sam?</p> <p>16 A Sam, are you in this business still and</p> <p>17 buying. And he said, yeah, of course.</p> <p>18 Q And tell me what happened during the phone</p> <p>19 call.</p> <p>20 A He says, yes, I can use. I ask him how much.</p> <p>21 And he says, I have a lot of customers.</p> <p>22 Q Did he tell you how many?</p> <p>23 A He said, I need several hundred thousand.</p> <p>24 Q Sam Gross tells you he needs several hundred</p>

13 (Pages 46 to 49)

<p style="text-align: right;">Page 50</p> <p>1 thousand and you say to Levon or Zadik, I have a 2 guy here who is interested in buying several 3 hundred thousand; right? 4 A I told them that I could use several hundred 5 thousand if they can get it for me. 6 Q What did they say? 7 A Yeah. They had it. 8 Q And then what else happened after they said 9 that? 10 A I asked them how much. 11 Q You ask Levon and Zadik how much? 12 A Yeah. 13 Q And what did they say? 14 A They said that we will work out a deal. 15 That's what they said. 16 Q When you said how much, were you referring to 17 quantity or price? 18 A No. Price. 19 Q And did they give you a ballpark figure or a 20 range or -- 21 A No. 22 Q They said, we will work it out; right? 23 A We will work it out, right. 24 Q Was this Sam on the phone during this</p>	<p style="text-align: right;">Page 52</p> <p>1 was full of boxes. 2 Q What boxes were they? 3 A I don't know, but I -- I opened one of the 4 boxes and was test kits. 5 Q What color was the box? 6 A I think -- I think they are orange or 7 something like that. 8 Q Okay. So you open the box, saw a test kit. 9 And then when was the price agreed upon? 10 A I'm trying to remember when. 11 Q Go back. Where was the truck? 12 A 48th Street between 6th Avenue to 5th Avenue 13 on the south side of the street on the right side 14 of the street. 15 Q How big was the truck? 16 A Big. 17 Q And who's truck was it? 18 A I don't know. 19 Q So they opened the truck. They showed you all 20 these test kits. You opened one of them? 21 A I opened only one box, yes. 22 Q And then what happened? 23 A I told them we will negotiate about a price. 24 Q And when did you get the phone number, the 201</p>
<p style="text-align: right;">Page 51</p> <p>1 conversation? 2 A I called him I think again or would have -- I 3 said, Sam, how much do you want to pay for it. And 4 he mentioned something around \$5 a test kit. 5 Q And then what else happened during that phone 6 call? 7 A I told him, they said it's too little. 8 Q So they were still there when you are talking 9 to Sam; right? 10 A Yeah. 11 Q So they say we can work it out. You call Sam. 12 Sam says \$5. They said that's too little. And 13 then what happens? 14 A And they wanted more. 15 Q And what was the price that was agreed upon? 16 A Eventually we agreed something in the range -- 17 I told Sam, first of all, I talk to him later. Let 18 me work it out here. I started to negotiate with 19 them. And then I asked them, can I see the test 20 kits. They said, yeah. I can show it to you. I 21 said, okay. Where are they? And they said, you'll 22 see them soon. Do you want to see it now? I said, 23 yeah. And they took me to a truck in an hour, 24 something like an hour after that, and the truck</p>	<p style="text-align: right;">Page 53</p> <p>1 phone number? 2 A I don't remember. I don't remember. That's 3 what I had noted and I just don't remember when I 4 get this phone number. 5 Q So when was the price finally agreed upon? 6 A I think we agreed later on that day. 7 Q How much was the price? \$6? 8 A No. I think it was a little bit less than \$5, 9 I think. 10 Q So initially when Sam said, I would like \$5, 11 they said it was too little. They then turned 12 around and gave you a price less than \$5? 13 A Yes. 14 Q What was the price? 15 A I believe it was 4.75, something like that. 16 Q Why would they agree to a price less than \$5 17 when they first told you that -- 18 A I don't know. They negotiate. 19 Q You must be a very good negotiator. 20 A No. They wanted to sell. I wanted to buy. 21 Q When is the next time you contacted Sam about 22 that? 23 A That day. 24 Q Same day?</p>

14 (Pages 50 to 53)

<p style="text-align: right;">Page 54</p> <p>1 A Same day.</p> <p>2 Q What did you say to Sam when you talked to</p> <p>3 him?</p> <p>4 A I don't remember any more.</p> <p>5 MR. LAVER: Excuse me. We are still</p> <p>6 on January 24, 2022?</p> <p>7 THE WITNESS: Yeah.</p> <p>8 MR. LAVER: Okay. Thank you.</p> <p>9 BY MR. LIGHTMAN:</p> <p>10 Q So when you talk to Sam --</p> <p>11 A Yeah.</p> <p>12 Q -- did you tell Sam 4.75 or did you tell him</p> <p>13 \$6?</p> <p>14 A No. I -- I started with seven and Sam went</p> <p>15 down I think to six. We agreed on six or something</p> <p>16 like that.</p> <p>17 Q So, when you called Sam back, you said I can</p> <p>18 get these test kits for you for \$6 a box. You</p> <p>19 didn't tell him that you were buying them for 4.75;</p> <p>20 correct?</p> <p>21 A He didn't ask me really.</p> <p>22 Q And you didn't tell him; right?</p> <p>23 A (Shakes head from side to side.)</p> <p>24 Q You can't shake your head. You have to say</p>	<p style="text-align: right;">Page 56</p> <p>1 to Sam and you had these conversations with Levon</p> <p>2 and Zadik, saw a truck filled with boxes, saw an</p> <p>3 actual I-Health COVID-19 test kit. Talked to --</p> <p>4 negotiated a price of 4.75 with Levon and Zadik.</p> <p>5 Called Sam and negotiated a price of \$6 with Sam</p> <p>6 all on January 24th?</p> <p>7 A I don't remember when was the last time I</p> <p>8 negotiated with Sam about the price. I know that I</p> <p>9 closed with those two guys for 4.75.</p> <p>10 Q So a day or two after that you spoke to</p> <p>11 Manfred?</p> <p>12 MR. LAVER: Objection to form.</p> <p>13 THE WITNESS: No. I did not speak</p> <p>14 to Manfred. I heard the name Manfred.</p> <p>15 BY MR. LIGHTMAN:</p> <p>16 Q From Sam?</p> <p>17 A From Sam.</p> <p>18 Q And what did Sam tell you about Manfred?</p> <p>19 A That Manfred is his lawyer.</p> <p>20 Q And what else was discussed?</p> <p>21 A I didn't ask.</p> <p>22 Q So, after you and Sam agreed upon \$6 a box,</p> <p>23 how many boxes of test kits did he say he wanted?</p> <p>24 A Sam told me that he want something like</p>
<p style="text-align: right;">Page 55</p> <p>1 yes or no. Is it true you didn't tell him?</p> <p>2 A I don't know what I told him about what price</p> <p>3 I buy, you know.</p> <p>4 Q So you and Sam agreed on \$6 a box; right?</p> <p>5 A Yes.</p> <p>6 Q And how many test kits did Levon and Zadik say</p> <p>7 they can get for you?</p> <p>8 A They said they can get about 400,000.</p> <p>9 Q Did you tell that to Sam?</p> <p>10 A I don't remember if I told him.</p> <p>11 Q And Sam said, I'll take them all?</p> <p>12 A No. I don't remember that. No.</p> <p>13 Q When was the first time that the same Manfred</p> <p>14 Sternberg surfaced?</p> <p>15 A I don't remember. Sometime after that. I'm</p> <p>16 trying to think about the date. Must have been few</p> <p>17 days after that.</p> <p>18 Q Okay. And how -- how did his name come in</p> <p>19 to --</p> <p>20 A I don't know yet.</p> <p>21 Q When is the --</p> <p>22 A I'm trying think when it came up. Must be a</p> <p>23 day or two after that.</p> <p>24 Q Okay. And when is the first -- so you spoke</p>	<p style="text-align: right;">Page 57</p> <p>1 400,000. I have to look in my memory and remember.</p> <p>2 Something around 400,000.</p> <p>3 Q Okay. Who did you end up purchasing the test</p> <p>4 kits from?</p> <p>5 A From these two gentlemen.</p> <p>6 Q Individually?</p> <p>7 A What do you mean by "individually?"</p> <p>8 Q Did they sell you the test kits</p> <p>9 individually -- let me make it -- I'll make it</p> <p>10 easier.</p> <p>11 A Yeah. Okay.</p> <p>12 MR. LIGHTMAN: I will have this</p> <p>13 marked as five.</p> <p>14 (One-page photocopy of letter dated</p> <p>15 2/6/22 marked GW-5, for identification.)</p> <p>16 BY MR. LIGHTMAN:</p> <p>17 Q Tell me what the document marked as Gary</p> <p>18 Weiss-5 is.</p> <p>19 A It's a receipt that they gave me.</p> <p>20 Q Who is "they"? Zadik and --</p> <p>21 A Zadik and Levon.</p> <p>22 Q So you don't know who -- Zadik's last name?</p> <p>23 A No.</p> <p>24 Q You don't know Levon's last name?</p>

15 (Pages 54 to 57)

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No. 2:22-CV-0688 (JMY)

American Environmental Ent. v. Manfred Sternberg, Esq., et al.
Deposition of Gary Weiss

Friday
February 16, 2024

<p style="text-align: right;">Page 58</p> <p>1 A No.</p> <p>2 Q Do you have an e-mail for them?</p> <p>3 A No.</p> <p>4 Q Do you have an address for them?</p> <p>5 A No.</p> <p>6 Q So all you have for Zadik and Levon is this</p> <p>7 201 phone number; correct?</p> <p>8 A Yes.</p> <p>9 Q And just on the basis of the meeting in the</p> <p>10 coffee shop and this phone number, you agreed to</p> <p>11 buy 365,790 COVID-19 test kits I-Health at 4.95</p> <p>12 each?</p> <p>13 A So it's 4.95 each, yeah.</p> <p>14 Q That was the price?</p> <p>15 A Yes.</p> <p>16 Q And before you -- and it says total paid cash</p> <p>17 in merchandise, \$1,810,660 U.S. dollars; right?</p> <p>18 A Yes.</p> <p>19 Q And it says, final sale; right?</p> <p>20 A Yes.</p> <p>21 Q And below the word final sale is your</p> <p>22 signature; right?</p> <p>23 A Correct.</p> <p>24 Q And then there is numbers 02281951. Do you</p>	<p style="text-align: right;">Page 60</p> <p>1 did you have conversations with Sam Gross and/or</p> <p>2 Manfred Sternberg regarding how they were going to</p> <p>3 pay you for the kits you were selling them at \$6?</p> <p>4 MR. LAVER: Objection to form.</p> <p>5 THE WITNESS: This is February 6th?</p> <p>6 BY MR. LIGHTMAN:</p> <p>7 Q Right.</p> <p>8 A I started with Sam on the 24th.</p> <p>9 Q Of January?</p> <p>10 A Yeah. We had a lot of conversations.</p> <p>11 Q Tell me those conversations.</p> <p>12 A I cannot tell you.</p> <p>13 Q Well, before -- when is the first time you</p> <p>14 spoke to Manfred Sternberg?</p> <p>15 A Verbally?</p> <p>16 Q Yes. How soon in relation to January 24th did</p> <p>17 you speak to him?</p> <p>18 A I'm trying to think if I ever spoke to</p> <p>19 Mr. Manfred altogether verbally on the phone or</p> <p>20 anything.</p> <p>21 Q Before this February 6th; right?</p> <p>22 A No. At any time. I don't remember ever</p> <p>23 speaking to Mr. Manfred.</p> <p>24 Q Really?</p>
<p style="text-align: right;">Page 59</p> <p>1 see that?</p> <p>2 A Yes.</p> <p>3 Q That's a pretty good guess of me that that was</p> <p>4 your birthday, hu?</p> <p>5 A I didn't think about it.</p> <p>6 Q Why did you put your birthday down there?</p> <p>7 A I think one of them asked me to put it.</p> <p>8 Q And on the right, who is the writing on the</p> <p>9 right?</p> <p>10 A One says Z, so I have to guess that Zadik was</p> <p>11 the Z and the L.</p> <p>12 Q That is Zadik and Levon?</p> <p>13 A Yes.</p> <p>14 Q Where was this document signed?</p> <p>15 A This was signed in Elizabeth, New Jersey.</p> <p>16 Q On February 6th?</p> <p>17 A On February 6th.</p> <p>18 Q And they came down and presented you with</p> <p>19 this?</p> <p>20 A I asked them --</p> <p>21 Q For a receipt?</p> <p>22 A -- for a receipt to bring with them a receipt</p> <p>23 that I'm buying it.</p> <p>24 Q Before we get to this, you had conversation --</p>	<p style="text-align: right;">Page 61</p> <p>1 A Really.</p> <p>2 Q How did it -- how did Sam make arrangements</p> <p>3 with you for him to pay you for the kits he was</p> <p>4 buying?</p> <p>5 A I don't know what he does for arrangements.</p> <p>6 Q So it's your testimony you went out and paid</p> <p>7 someone a million eight in cash and merchandise for</p> <p>8 test kits without figuring out how you were going</p> <p>9 to get paid from Sam for them? Tell me the</p> <p>10 transaction.</p> <p>11 A You are putting it --</p> <p>12 Q Putting the cart before the horse?</p> <p>13 A We said that we start to on the 24th.</p> <p>14 Q Right.</p> <p>15 A And we ended the last payment --</p> <p>16 Q In February?</p> <p>17 A -- on the delivery is in February, so many</p> <p>18 days before and Sam made the arrangements.</p> <p>19 Q What arrangements were made?</p> <p>20 A That I would get paid.</p> <p>21 Q How were those arrangements made?</p> <p>22 A Okay. So he told me that he's going to buy.</p> <p>23 Q All of these test kits?</p> <p>24 A Yeah. And he gave me a list the next day or</p>

16 (Pages 58 to 61)

<p style="text-align: right;">Page 62</p> <p>1 he sent me a list through text or e-mail or</p> <p>2 whatever about the numbers of test kits that he</p> <p>3 will need or have an order for.</p> <p>4 Q I would like to show you what was previously</p> <p>5 marked as Manfred Sternberg Deposition Exhibit-24.</p> <p>6 A Okay. Exactly.</p> <p>7 Q That's the list that he provided to you?</p> <p>8 A That's what we sent me.</p> <p>9 Q He meaning Sam?</p> <p>10 A I don't -- I don't know if this is the only</p> <p>11 one, but they look like that.</p> <p>12 Q If you look at the bottom, it says, total kits</p> <p>13 \$365,320?</p> <p>14 A Yes.</p> <p>15 Q And, if you look at your Mask and Eldiven</p> <p>16 receipt, it's 365,790. Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Why is there an extra 400 and --</p> <p>19 A No. This is what I bought from them.</p> <p>20 Q Why did you buy an extra 460 --</p> <p>21 A I didn't buy. That was the deal. That's what</p> <p>22 they're selling, the whole number.</p> <p>23 Q So one whole lot?</p> <p>24 A Yeah. One whole lot. That's what they had</p>	<p style="text-align: right;">Page 64</p> <p>1 kept on changing several times that I know for sure</p> <p>2 and also this names kept on changing sometimes.</p> <p>3 You have one, two, three, four, five, six. Again,</p> <p>4 one, two, three, four, five, six. So this is not</p> <p>5 like --</p> <p>6 Q It kept changing. This became the final list</p> <p>7 that Sam wanted?</p> <p>8 A I'm not sure now that this is the final list.</p> <p>9 Q Okay.</p> <p>10 A I have to look in my final list.</p> <p>11 Q Your list. So Sam said, give you an invoice;</p> <p>12 right?</p> <p>13 A This was like a list of kits that he needs,</p> <p>14 that he presented to me. Okay.</p> <p>15 Q And then you said he said send me an invoice;</p> <p>16 right?</p> <p>17 A Yeah. Send me an invoice.</p> <p>18 Q Well, hold on. Let's stop there. Let's mark</p> <p>19 this as Gary Weiss-6.</p> <p>20 (One-page photocopy of invoice marked</p> <p>21 GW-6, for identification.)</p> <p>22 BY MR. LIGHTMAN:</p> <p>23 Q Gary Weiss-6 is the invoice you then sent to</p> <p>24 Sam after he requested one?</p>
<p style="text-align: right;">Page 63</p> <p>1 and I wanted to buy the whole lot from them. They</p> <p>2 didn't want to sell less. That's what it is. As</p> <p>3 far as your question with arranging payments, you</p> <p>4 were there. Right? You ask how.</p> <p>5 Q Yes. Let's talk about that.</p> <p>6 A Okay. So Sam told me that he is going to pay</p> <p>7 me. I said, okay. So how are we going to work it</p> <p>8 out, you know. He told me, I'm going to have</p> <p>9 arrangements for you and can you send me like an</p> <p>10 invoice.</p> <p>11 MR. LAVER: Did you complete your</p> <p>12 answer?</p> <p>13 BY MR. LIGHTMAN:</p> <p>14 Q Keep going.</p> <p>15 A No, not yet.</p> <p>16 Q Keep going.</p> <p>17 A Based on the numbers which I don't think this</p> <p>18 was the first number that they gave me on the</p> <p>19 number of kits that he wants.</p> <p>20 Q Was that the final number?</p> <p>21 A This is the final number.</p> <p>22 Q Okay. So he gave you a different number first</p> <p>23 and keep going on your answer.</p> <p>24 A I think he gave me different numbers, so it</p>	<p style="text-align: right;">Page 65</p> <p>1 A Excuse me?</p> <p>2 Q This document marked as Gary Weiss-6 is the</p> <p>3 invoice that you sent to Sam when he said send me</p> <p>4 an invoice?</p> <p>5 A It may have been one of them.</p> <p>6 Q Okay.</p> <p>7 MR. LAVER: Let's go off the record</p> <p>8 a second, Gary. I need to talk to you a</p> <p>9 minute.</p> <p>10 ---</p> <p>11 (Discussion off the record.)</p> <p>12 ---</p> <p>13 BY MR. LIGHTMAN:</p> <p>14 Q So, if you take this Deposition Exhibit</p> <p>15 Manfred-24 and put it next to Gary Weiss-6, the</p> <p>16 test kit delivery addresses that Sam gave you match</p> <p>17 the numbers set forth in your invoice to him that</p> <p>18 you sent him; correct? If you look, it says,</p> <p>19 nationwide medical services 15,120. There is a</p> <p>20 line item number two here for 5,200. Do you see</p> <p>21 that? The first item on Exhibit-24 for 15,120 is</p> <p>22 close enough -- is --</p> <p>23 A Not close enough. Where is the number 15,200?</p> <p>24 Q Right. On number -- the second line item on</p>

17 (Pages 62 to 65)

<p style="text-align: right;">Page 66</p> <p>1 your bill?</p> <p>2 A In document six; right?</p> <p>3 Q On document six you have 15,200. Do you see</p> <p>4 that?</p> <p>5 A Yes. 15,200.</p> <p>6 Q If you look at the second item on Exhibit-24</p> <p>7 you have 181,440 test kits?</p> <p>8 A Mr. Lightman, don't confuse me. Where is</p> <p>9 15,200 on this document? We are trying to match it</p> <p>10 up?</p> <p>11 Q It's not. One says 15,120 --</p> <p>12 A So it's not.</p> <p>13 Q Well, look, I read it -- let's do this.</p> <p>14 A Can you say that again to me. It's not so</p> <p>15 please.</p> <p>16 Q If you look at the top number, it says on --</p> <p>17 if you look at the bottom number on Exhibit-24 it</p> <p>18 says, 365,320. Right. If you look at the top</p> <p>19 number on Gary Weiss-6 it says 355,200; correct?</p> <p>20 A Correct.</p> <p>21 Q Those numbers match up; right?</p> <p>22 A No. They don't match. 355 and 365, no.</p> <p>23 Q I'm sorry. You are saying this purchase order</p> <p>24 is for an extra 10,000 kits over and above what</p>	<p style="text-align: right;">Page 68</p> <p>1 Everything is written here. My contention is that</p> <p>2 it does not match this paper. That's all I'm</p> <p>3 trying to say.</p> <p>4 Q I understand.</p> <p>5 A You understand. It's black and white.</p> <p>6 Q The delivery address list that Sam gave you is</p> <p>7 for an extra 10,000 test kits over and above your</p> <p>8 invoice to him; correct?</p> <p>9 A The conclusion would be that it's not the</p> <p>10 same. Okay. What is the number above or beyond or</p> <p>11 under, it doesn't matter. It does not match.</p> <p>12 Q Okay. But Sam agreed to pay you this invoice?</p> <p>13 Gary Weiss-6?</p> <p>14 A No. He did not agree at this point. This was</p> <p>15 done -- this invoice is done on the date -- invoice</p> <p>16 date is when? 26.</p> <p>17 Q January 26?</p> <p>18 A Let's not get confused here. Right. That's</p> <p>19 two days after I met with Levon and Zadik and Sam</p> <p>20 Gross asked me for an invoice and this is the</p> <p>21 invoice I sent him on 26 of January 2022.</p> <p>22 Q Okay.</p> <p>23 A Let's do this correctly.</p> <p>24 Q So Gary Weiss-6 was the invoice you sent him</p>
<p style="text-align: right;">Page 67</p> <p>1 Gary -- what Sam Gross sent to you; correct?</p> <p>2 A This is not an order.</p> <p>3 Q This is a bill. It says bill to Charlton</p> <p>4 Holding Group; correct?</p> <p>5 A No. It does not say bill. It does not say a</p> <p>6 bill. I don't see here the word bill, so please</p> <p>7 let's be correct, please.</p> <p>8 Q It says invoice number; correct? Invoice</p> <p>9 number?</p> <p>10 A Correct.</p> <p>11 Q Invoice number three; correct?</p> <p>12 A Correct. So it's not a bill, please.</p> <p>13 Q Right above Charlton Holding Group it says,</p> <p>14 bill to; correct?</p> <p>15 A Yes. You are billing to and this is the</p> <p>16 invoice.</p> <p>17 Q So this is an invoice that you sent to Sam</p> <p>18 when Sam said send me an invoice?</p> <p>19 A Yes.</p> <p>20 Q You sent him an invoice saying I want you to</p> <p>21 pay me \$2,131,200?</p> <p>22 A That's correct. That's what it says.</p> <p>23 Q For 365,200 test kits?</p> <p>24 A Right. We read this very correctly.</p>	<p style="text-align: right;">Page 69</p> <p>1 on January 26?</p> <p>2 A Exactly.</p> <p>3 Q For the test kits you were selling him;</p> <p>4 correct?</p> <p>5 A Yeah. This was a proposal invoice. Right.</p> <p>6 Q And if you look up top, who's the person</p> <p>7 sending this invoice?</p> <p>8 A It says A. Solar, LLC.</p> <p>9 Q An entity that you admitted a little while ago</p> <p>10 doesn't exist?</p> <p>11 A Exactly.</p> <p>12 Q Why are you using an A. Solar name to bill</p> <p>13 Gary Weiss when A. Solar does not exist?</p> <p>14 A Because I wanted to create this entity for</p> <p>15 this transaction.</p> <p>16 Q But you never did create the entity?</p> <p>17 A I didn't have time to do that, no.</p> <p>18 Q When you didn't have time it takes to pick up</p> <p>19 the phone, call someone and you can form an entity.</p> <p>20 You are aware of that?</p> <p>21 A No.</p> <p>22 Q So why didn't you have time?</p> <p>23 A Things were rolling. I was not sure that I'm</p> <p>24 going to get paid yet. I didn't see any money yet</p>

18 (Pages 66 to 69)

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<p style="text-align: right;">Page 70</p> <p>1 and he asked me to send him a proposal invoice so 2 he can get for me a deposit. 3 Q And how much was the initial deposit supposed 4 to be? 5 A Ten percent from this amount. 6 Q So that would be -- it was supposed to be a 7 deposit payment made; right? 8 A Supposed to be a deposit in order for me to 9 proceed with the purchase on my side. 10 Q Okay. And who was going to make that deposit 11 to you? 12 A He told me that funds would be sent through 13 his lawyer into the account that I designated. 14 Q And you designated for the deposit the Gary 15 Weiss A. Solar Diamond, LLC account at Wells Fargo 16 Bank? 17 A I designated the A. Solar Diamond, LLC. 18 Q So, if it was A. Solar Diamond, why didn't you 19 use A. Solar Diamond as the name on this bill? 20 A I did not want to do business through A. Solar 21 Diamond. I wanted to do it through a separate 22 entity which I wanted designation as A. Solar, LLC. 23 Q But that never happened; right? 24 A That never happened.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q So, if you look at the bottom where it says 2 note and payment terms, did you get the deposit 3 wired to you of \$219,240? 4 A Yeah. 5 Q That was made on February 1st? 6 A On February 1st. 7 Q And that was made by a wire from Manfred 8 Sternberg's attorney escrow account to the A. Solar 9 Diamond account at Wells Fargo; correct? 10 A Correct. 11 Q And how did that come into being? Who 12 arranged for that? 13 A Sam. 14 Q Sam arranged for that. Okay. And let me go 15 back to this. Before you paid for this -- strike 16 that. 17 Before Sam Gross wired you the 18 219,000, did he come and look at any of the test 19 kits? 20 A No. 21 Q Did he ever come and look at any of the test 22 kits? 23 A No. 24 Q Before the \$219,604 and -- \$240 was wired in</p>
<p style="text-align: right;">Page 71</p> <p>1 Q And the money that was sent came to A. Solar 2 Diamond; correct? 3 A Exactly. 4 Q So tell me, this invoice, you're sure you sent 5 this to him on January 26th? 6 A Absolutely sure. 7 Q Well, look at the bottom. How could you send 8 him an invoice dated January 26th where it says at 9 the bottom under notes and terms, payment of 10 \$2,131,200 total, a deposit payment of 200 -- 11 A I see. 12 Q Let me read it into the record. A deposit 13 payment of \$219,240 was made on February 1, 2022, 14 by Manfred Sternberg, Junior, attorney at law, SRF, 15 a balance of \$1,911,940 payment required to ship. 16 The balance will be made to attorneys escrow 17 account Sokolski and Zekaria. It lists a Broadway 18 Street address, account number, routing number and 19 everything else. So how is it you sent Gary Weiss 20 an invoice dated January 26th and in here you put a 21 payment that's made? 22 A I don't know. 23 Q You don't know? 24 A I don't know. I see it. I see it.</p>	<p style="text-align: right;">Page 73</p> <p>1 to your A. Solar Diamond account at Wells Fargo, 2 did you look at the test kits you were buying, 3 other than that one time when you went and saw a 4 truck and picked one up? 5 A I opened one box on that day. 6 Q On January 24th? 7 A Yeah. 8 Q After that at any time did you see the test 9 kits? Sorry. Before you went up and actually took 10 possession of them, from the time you opened that 11 one box until the time February 6th when you went 12 and signed this and got the kits, did you look at 13 any of the test kits? 14 A Yes. 15 Q When did you do that? 16 A The Friday before the -- 17 Q The Friday before February 6, 2022? 18 A What? Friday I think -- one second. 19 February. February 6th was probably on a Sunday. 20 Q Yes. 21 A Was it? 22 Q February 6, 2020, was a Sunday? 23 A The Friday -- the Friday -- so what date it 24 is?</p>

19 (Pages 70 to 73)

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<p style="text-align: right;">Page 74</p> <p>1 Q February 4th?</p> <p>2 A February 4th.</p> <p>3 Q Is a Friday.</p> <p>4 A I saw it.</p> <p>5 Q So you went to 2 West 42nd --</p> <p>6 A No. They came to Elizabeth with the truck.</p> <p>7 Q They came -- so Zadik and Levon came to</p> <p>8 Elizabeth, New Jersey with a truck containing</p> <p>9 365,790 COVID-19 test kits?</p> <p>10 A Yes.</p> <p>11 Q And when they came, they came on when?</p> <p>12 February 6?</p> <p>13 A On February 6, yes.</p> <p>14 Q So, they came on February 6th with a truck.</p> <p>15 They drove it to your house at -- on 1st Street?</p> <p>16 A I met them on -- it's 5th -- 5th Street.</p> <p>17 Q In Elizabeth?</p> <p>18 A 5th Street on the corner of 4th or 5th Avenue.</p> <p>19 I'm trying to remember. There is a little park</p> <p>20 there on the corner.</p> <p>21 Q In Elizabeth?</p> <p>22 A In Elizabeth.</p> <p>23 Q So did you come alone?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 76</p> <p>1 right?</p> <p>2 A A long truck.</p> <p>3 Q And you don't know who was driving?</p> <p>4 A No.</p> <p>5 Q So you met them. Right. And then tell me</p> <p>6 what happened at the meeting. You look at five</p> <p>7 boxes or so; right?</p> <p>8 A I went through a few boxes and I think I</p> <p>9 counted like how many boxes it was like about five</p> <p>10 or six high. I don't remember and how many --</p> <p>11 estimated how much it is, you know. And I believed</p> <p>12 their numbers to be correct.</p> <p>13 Q How were you able to go -- was the truck</p> <p>14 filled with the boxes?</p> <p>15 A No. The truck had like in the middle like a</p> <p>16 little island, so you could pass just about one</p> <p>17 person and the boxes on both sides.</p> <p>18 Q Did you go into the truck?</p> <p>19 A Oh, I climbed up, and I went in the truck. I</p> <p>20 opened some boxes.</p> <p>21 Q And you went in and counted the number and the</p> <p>22 rows and the length and estimated?</p> <p>23 A Yes. It looked like it's correct. Okay.</p> <p>24 Q And then what happened?</p>
<p style="text-align: right;">Page 75</p> <p>1 Q And it was just Zadik and Levon?</p> <p>2 A Zadik and Levon in one car and the truck</p> <p>3 separately.</p> <p>4 Q Who drove the truck?</p> <p>5 A I don't know. Somebody drove it.</p> <p>6 Q So tell me what happened. You met them on</p> <p>7 February 6th.</p> <p>8 A I met them. I looked. They opened the truck.</p> <p>9 I looked at the five or six boxes and they all</p> <p>10 looked like full of this orange and white boxes</p> <p>11 written --</p> <p>12 Q Were they packaged in I-Health boxes?</p> <p>13 A No.</p> <p>14 Q How were they packaged?</p> <p>15 A I don't remember the type of boxes they were</p> <p>16 packaged.</p> <p>17 Q Were they Home Depot boxes?</p> <p>18 A Home Depot and others.</p> <p>19 Q So Home Depot.</p> <p>20 A I don't remember. This size boxes.</p> <p>21 Q Okay. How big was the truck?</p> <p>22 A I would say -- well, at least this room, the</p> <p>23 length.</p> <p>24 Q So a long truck, like a tractor-trailer truck;</p>	<p style="text-align: right;">Page 77</p> <p>1 A And then we finished the deal.</p> <p>2 Q You signed this document at the time?</p> <p>3 A No.</p> <p>4 Q When was this document signed?</p> <p>5 A This diamond -- this document was signed on</p> <p>6 Sunday.</p> <p>7 Q The 6th?</p> <p>8 A On the 6th. Yeah. We are talking about</p> <p>9 Friday.</p> <p>10 Q The 4th?</p> <p>11 A Friday, the 4th.</p> <p>12 Q So Friday, the 4th, they delivered this truck</p> <p>13 to you?</p> <p>14 A Exactly. They came again to show me the</p> <p>15 truck.</p> <p>16 Q And at that time, is that when you paid them</p> <p>17 the cash and merchandise for the stuff?</p> <p>18 A At that time I gave them a deposit.</p> <p>19 Q How much did you give them?</p> <p>20 A 50,000.</p> <p>21 Q And what did they do with the merchandise?</p> <p>22 A They kept it.</p> <p>23 Q So you looked at it. You estimated it was</p> <p>24 right?</p>

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<p style="text-align: right;">Page 78</p> <p>1 A Right.</p> <p>2 Q You gave them 50,000 and then they drove away;</p> <p>3 right?</p> <p>4 A Yes.</p> <p>5 Q And that was Friday, the 4th; right?</p> <p>6 A Friday, the 4th.</p> <p>7 Q And this document, this Gary Weiss-6, sale</p> <p>8 document from Mask and Eldiven signed by you and</p> <p>9 Zadik and Levon was signed on that Sunday, the 6th;</p> <p>10 right?</p> <p>11 A Yes. I asked them to give me a receipt for</p> <p>12 what I'm paying.</p> <p>13 Q So they brought the truck and the merchandise</p> <p>14 back down to you on the 6th?</p> <p>15 A They -- I met them on the 6th and I looked</p> <p>16 again at the truck and we finished the transaction.</p> <p>17 Q So you signed this document; right?</p> <p>18 A Yes.</p> <p>19 Q Was it signed -- when they brought the truck</p> <p>20 back on the 6th, was it the same park that they met</p> <p>21 you at the first time?</p> <p>22 A Same. Same. Everything the same.</p> <p>23 Q So you gave them a \$50,000 deposit. Why not</p> <p>24 just give them the cash and merchandise on the 4th</p>	<p style="text-align: right;">Page 80</p> <p>1 Hundred dollar bills?</p> <p>2 A Yeah.</p> <p>3 Q And did you withdraw that money from the A.</p> <p>4 Solar Diamond account?</p> <p>5 A No.</p> <p>6 Q Did you have it in your -- at home under your</p> <p>7 mattress?</p> <p>8 A No.</p> <p>9 Q Did you have it in a safe deposit box?</p> <p>10 A No.</p> <p>11 Q Where did you accumulate \$50,000 to pay them?</p> <p>12 A I have it.</p> <p>13 Q Where?</p> <p>14 A In my drawer.</p> <p>15 Q In your home at -- on Elizabeth Avenue at 437</p> <p>16 1st Avenue you had a drawer containing 50,000 in</p> <p>17 cash?</p> <p>18 A Yes.</p> <p>19 Q Any more money in cash there?</p> <p>20 A Yeah.</p> <p>21 Q How much money was in the drawer when you took</p> <p>22 50,000 out?</p> <p>23 A None of your business.</p> <p>24 Q More than 50,000?</p>
<p style="text-align: right;">Page 79</p> <p>1 when they brought the truck down?</p> <p>2 A Because I did not need it yet.</p> <p>3 Q You did not need it yet or you didn't have the</p> <p>4 rest of the funds yet?</p> <p>5 A I didn't have the rest of the money from Sam.</p> <p>6 Q So Sam had made a \$219,000 deposit to you on</p> <p>7 February 1st through the wire transfer from Manfred</p> <p>8 Sternberg to A. Solar Diamond?</p> <p>9 A Yes.</p> <p>10 Q Did you take 50,000 of that money out of your</p> <p>11 A. Solar Diamond account to pay to these guys?</p> <p>12 A No. I had 50,000 cash.</p> <p>13 Q Really. Where did you get that 50,000 from?</p> <p>14 A I don't know what kind of questions you are</p> <p>15 asking. I said, I have \$50,000.</p> <p>16 Q Where did you get the 50,000 from?</p> <p>17 A That's none of your business. It's not.</p> <p>18 Q I'm asking the questions. So you're claiming</p> <p>19 that you appeared on Friday, the 4th. Was it a</p> <p>20 suitcase with 50,000 in cash?</p> <p>21 A Not suitcase.</p> <p>22 Q What was it?</p> <p>23 A Just an envelope.</p> <p>24 Q You had one envelope containing \$50,000 cash.</p>	<p style="text-align: right;">Page 81</p> <p>1 A If it was money more, I took 50 and there is</p> <p>2 money, so there is money more.</p> <p>3 Q More than half a million?</p> <p>4 A No.</p> <p>5 Q More than a hundred thousand?</p> <p>6 A I think it's none of your business at this</p> <p>7 point.</p> <p>8 Q Where did you get the 50 -- the 50,000 that</p> <p>9 you took, where did that money come in from? Was</p> <p>10 it from a bank? Was it from jewelry transactions?</p> <p>11 What was the 50,000 you gave them?</p> <p>12 A It's from sales of jewelry over the years.</p> <p>13 Q Did you pay taxes on those jewelry sales?</p> <p>14 A Did I tell you that it was earned income or</p> <p>15 something?</p> <p>16 MR. LAVER: Before we go forward,</p> <p>17 can I just clarify one point, Gary, before we</p> <p>18 go forward?</p> <p>19 THE WITNESS: Yeah.</p> <p>20 MR. LAVER: You met on February 4th.</p> <p>21 You met again on February 6; is that right?</p> <p>22 THE WITNESS: Correct.</p> <p>23 MR. LAVER: When did you hand over</p> <p>24 the \$50,000? Was that the 4th or the 6th?</p>

21 (Pages 78 to 81)

<p style="text-align: right;">Page 82</p> <p>1 THE WITNESS: On the Friday. On the</p> <p>2 Friday.</p> <p>3 MR. LAVER: So that's the 4th.</p> <p>4 THE WITNESS: The 4th.</p> <p>5 BY MR. LIGHTMAN:</p> <p>6 Q On the 6th you paid him the balance of the</p> <p>7 million eight; right?</p> <p>8 A Yes.</p> <p>9 Q How much in cash did you give them?</p> <p>10 A I gave them altogether \$400,000 in cash.</p> <p>11 MR. HEALEY: You paid the balance of</p> <p>12 the -- what did you say? The balance of a</p> <p>13 million eight.</p> <p>14 BY MR. LIGHTMAN:</p> <p>15 Q It says, the total paid cash and merchandise</p> <p>16 \$1,810,660. So you gave them a total of 400,000</p> <p>17 cash; right? And you gave them merchandise of</p> <p>18 \$1,410,660; right?</p> <p>19 A Correct.</p> <p>20 Q What kind of merchandise?</p> <p>21 A Gold necklaces with diamonds.</p> <p>22 Q How many?</p> <p>23 A There were ten sets.</p> <p>24 Q What else was the merchandise?</p>	<p style="text-align: right;">Page 84</p> <p>1 A No.</p> <p>2 Q How did you do business? In a coffee shop?</p> <p>3 A Levon and Zadik, I did business with them</p> <p>4 prior to the year 2015.</p> <p>5 Q And that would be through Mask and Eldiven?</p> <p>6 A No.</p> <p>7 Q What is Mask and Eldiven?</p> <p>8 A I don't know. That's the name that they gave</p> <p>9 me as their company.</p> <p>10 Q Okay. And after you gave them this 400,000 in</p> <p>11 cash and this merchandise, what happened next?</p> <p>12 A They left.</p> <p>13 Q They got in a car and left?</p> <p>14 A Yes.</p> <p>15 Q They left you the truck?</p> <p>16 A I stayed with the truck.</p> <p>17 Q So they brought a truck, tractor-trailer, and</p> <p>18 they parked at it this park in Elizabeth, New</p> <p>19 Jersey. Was this document, this Gary Weiss-5</p> <p>20 signed then?</p> <p>21 A No.</p> <p>22 Q When -- that document was signed on Sunday;</p> <p>23 right?</p> <p>24 A On Sunday.</p>
<p style="text-align: right;">Page 83</p> <p>1 A That's -- that's what it was.</p> <p>2 Q And when you gave them -- you signed this</p> <p>3 document then. They gave you or you gave them a</p> <p>4 total of 400. You gave them another 350,000 in</p> <p>5 cash; correct?</p> <p>6 A Correct.</p> <p>7 Q You didn't take the 350,000 in cash out of the</p> <p>8 money that Sam or Manfred wired you. You went in</p> <p>9 to your drawer again and took 350,000 cash?</p> <p>10 A Correct.</p> <p>11 Q And you also gave them merchandise of a</p> <p>12 million four; right?</p> <p>13 A Correct.</p> <p>14 Q How did they know the million and four</p> <p>15 merchandise was real diamonds and jewels?</p> <p>16 A That's -- they're in business of jewelry for</p> <p>17 over 30 years.</p> <p>18 Q How long have you known Zadik and Levon?</p> <p>19 A Probably over 25 years.</p> <p>20 Q Really. Have you done business with them</p> <p>21 before?</p> <p>22 A I have done business with them.</p> <p>23 Q And before January 24th you never had a cell</p> <p>24 phone number with them?</p>	<p style="text-align: right;">Page 85</p> <p>1 Q Where was it signed?</p> <p>2 A Right there.</p> <p>3 Q At the truck; right?</p> <p>4 A In their car.</p> <p>5 Q In their car. And then you got out of their</p> <p>6 car and left and they just left you their</p> <p>7 tractor-trailer?</p> <p>8 A Yes.</p> <p>9 Q And what happened after that? You drove away</p> <p>10 in their tractor-trailer?</p> <p>11 A No.</p> <p>12 Q What did you do?</p> <p>13 A I stayed there.</p> <p>14 Q And what happened?</p> <p>15 A I made an appointment with Available Movers</p> <p>16 for Monday morning.</p> <p>17 Q That would be the 7th?</p> <p>18 A Correct.</p> <p>19 Q And what was the appointment for Available</p> <p>20 Movers?</p> <p>21 A Take and deliver.</p> <p>22 Q Take the money from --</p> <p>23 A No. Take the merchandise.</p> <p>24 Q Take the merchandise off of that truck?</p>

22 (Pages 82 to 85)

<p style="text-align: right;">Page 86</p> <p>1 A They came with their own truck.</p> <p>2 Q On Monday, February 7th?</p> <p>3 A Right.</p> <p>4 Q And they took all the test kits and put it in</p> <p>5 to their own truck and you gave them this list here</p> <p>6 is where I want you to make these deliveries, the</p> <p>7 one marked as Manfred-24?</p> <p>8 A I don't know about this particular list.</p> <p>9 Q This list, or lists similar to this?</p> <p>10 A I really have to look what I gave them, you</p> <p>11 know.</p> <p>12 Q But you gave them a list?</p> <p>13 A I don't think it looked like that.</p> <p>14 Q Did it look something like this?</p> <p>15 A Let me see.</p> <p>16 MR. LAVER: What is the witness</p> <p>17 looking at?</p> <p>18 MR. LIGHTMAN: It's a different --</p> <p>19 THE WITNESS: It's a different list;</p> <p>20 right?</p> <p>21 BY MR. LIGHTMAN:</p> <p>22 Q Let me see something.</p> <p>23 A Looks the same.</p> <p>24 Q So you gave them a list similar to what you</p>	<p style="text-align: right;">Page 88</p> <p>1 A Okay. And it's not this list for sure.</p> <p>2 Q Wait, though. When you say "it's not this,"</p> <p>3 meaning the Gary Weiss-6, this is not the final</p> <p>4 invoice?</p> <p>5 A This is not the invoice, no. It is an</p> <p>6 invoice. I sent Sam probably ten invoices.</p> <p>7 Q Okay. But, if this invoice was one that</p> <p>8 Manfred Sternberg gave to the Texas Bar and said</p> <p>9 this is the invoice that we paid and used, this is</p> <p>10 the --</p> <p>11 A I don't know what he gave to the Texas Bar.</p> <p>12 Q If he gave this one, this Gary Weiss-6</p> <p>13 invoice, the one for the \$2,131,200 --</p> <p>14 A Mr. Lightman, I don't know what he gave to the</p> <p>15 Texas Bar as far as invoices. I didn't see that</p> <p>16 invoice that he gave.</p> <p>17 Q This invoice that I'm holding that's marked</p> <p>18 Gary Weiss-6, this was not the final invoice from</p> <p>19 you to Sam for the test kits; correct?</p> <p>20 A I don't think so.</p> <p>21 Q After they left, was there a way to lock the</p> <p>22 truck up overnight or did you sleep on --</p> <p>23 A No. I was behind the truck. That's it.</p> <p>24 Q So you slept in the truck overnight?</p>
<p style="text-align: right;">Page 87</p> <p>1 are holding in your hand; right?</p> <p>2 A I don't think this is the list.</p> <p>3 MR. LAVER: This being what? This</p> <p>4 being the exhibit that's been marked today?</p> <p>5 THE WITNESS: This is not the final</p> <p>6 list.</p> <p>7 BY MR. LIGHTMAN:</p> <p>8 Q So there is another list?</p> <p>9 A In my opinion, I have to look. I sent them</p> <p>10 another invoice later on which was a correct</p> <p>11 invoice with like a final invoice list because I</p> <p>12 got from Sam several lists like that.</p> <p>13 Q Okay.</p> <p>14 A So this is a list, but it's not -- probably</p> <p>15 not the list that I gave to the drivers. Okay.</p> <p>16 I'm not sure. I have to check.</p> <p>17 Q Did you get --</p> <p>18 A I have documents for Available Mover. Can I</p> <p>19 look at them to give an idea?</p> <p>20 Q We will do it at the break. We will do it at</p> <p>21 the break?</p> <p>22 A I just want to reference to this one.</p> <p>23 Q When we take the next break, you can find the</p> <p>24 list that they --</p>	<p style="text-align: right;">Page 89</p> <p>1 A Yeah.</p> <p>2 Q In actual in the truck or in a car behind the</p> <p>3 truck?</p> <p>4 A In my car. In my truck. I had the SUV.</p> <p>5 Q So you took your SUV. You parked it in back</p> <p>6 of the truck and you slept there?</p> <p>7 A Yeah. I didn't really sleep.</p> <p>8 Q Well, you were looking at all the test kits?</p> <p>9 A No. No. On my phone, you know, YouTube and</p> <p>10 things like that.</p> <p>11 Q When in the morning of the 7th did the</p> <p>12 Available Movers people show up?</p> <p>13 A I don't remember exactly. I estimate between</p> <p>14 9:00 and 10:00. I estimate.</p> <p>15 Q And then what happened?</p> <p>16 A They backed into the back of the truck to</p> <p>17 transfer from one truck to another. They had like</p> <p>18 three people, I believe, or four with the driver.</p> <p>19 I'm not sure exactly. I think three. They</p> <p>20 unloaded all the boxes into the truck.</p> <p>21 Q And then what happened?</p> <p>22 A I gave them the list that I gave them where to</p> <p>23 go. I got back into my truck.</p> <p>24 Q Your SUV?</p>

23 (Pages 86 to 89)

<p style="text-align: right;">Page 90</p> <p>1 A They left.</p> <p>2 Q Your SUV?</p> <p>3 A My SUV.</p> <p>4 Q They left. Okay. And then what happened?</p> <p>5 A And they started to go except that they</p> <p>6 stopped at the end of the street. I waited few</p> <p>7 more minutes. I thought it's a stop sign or</p> <p>8 whatever, but they are stopping there and they</p> <p>9 don't move. I drove there to the back of the</p> <p>10 truck. I came to the driver and asked him, que</p> <p>11 pasa. He says, I need a bill of lading. I said, I</p> <p>12 don't know what it is.</p> <p>13 Q You had not gotten any bill of lading from</p> <p>14 Sam?</p> <p>15 A I never had a bill of lading.</p> <p>16 Q From anybody?</p> <p>17 A From anybody.</p> <p>18 Q At any time?</p> <p>19 A At any time. I don't know what it is. I</p> <p>20 said, I gave you the list where you go. He says,</p> <p>21 no. It has to be a form that says bill of lading.</p> <p>22 Q And then what did you do?</p> <p>23 A I said okay. Let me call Sam.</p> <p>24 Q And then what happened?</p>	<p style="text-align: right;">Page 92</p> <p>1 you just leave it there?</p> <p>2 A No. The driver left.</p> <p>3 Q No. The driver on the Sunday after you paid</p> <p>4 the cash and merchandise and they left you with the</p> <p>5 merchandise, the driver -- you said you parked your</p> <p>6 SUV and stayed overnight with the goods; right?</p> <p>7 A But the driver, also, in the cabby.</p> <p>8 Q Oh, the driver stayed, too?</p> <p>9 A Yeah.</p> <p>10 Q Do you know who that driver was?</p> <p>11 A No.</p> <p>12 Q So, when they transferred it, he then drove</p> <p>13 the truck, the empty truck away?</p> <p>14 A Yeah.</p> <p>15 Q And when the goods were transferred to</p> <p>16 Available Moving and taken away by them, was there</p> <p>17 any documentation created? Did Available Movers</p> <p>18 give you anything?</p> <p>19 A I don't remember.</p> <p>20 Q You are loading a million eight worth of goods</p> <p>21 into Available Movers and they just drove away</p> <p>22 without leaving you with any documents or receipts</p> <p>23 that you got it?</p> <p>24 A Maybe. I just don't have it if they did.</p>
<p style="text-align: right;">Page 91</p> <p>1 A Sam said, okay. I'll send it to you soon. We</p> <p>2 wait there like an hour and I called Sam and Sam</p> <p>3 said, soon, very soon. And the drivers told me,</p> <p>4 listen, I spoke to my office, I cannot wait here.</p> <p>5 MR. HEALEY: That was Advanced</p> <p>6 Movers?</p> <p>7 BY MR. LIGHTMAN:</p> <p>8 Q Available Movers?</p> <p>9 A Available Movers, yes. And we have to take it</p> <p>10 to the hub and when we get the bill of lading, we</p> <p>11 continue with the delivery.</p> <p>12 Q The hub meaning Available Moving and Storage</p> <p>13 warehouse?</p> <p>14 A That's what they said, the hub. The driver</p> <p>15 said, I'm going to the hub and once I get the bill</p> <p>16 of lading and everything else, we will continue</p> <p>17 with the delivery. I said okay.</p> <p>18 Q Now, when the -- go back for a second. After</p> <p>19 you -- these guys -- who was the driver? Do you</p> <p>20 know? Was it Girard?</p> <p>21 A I don't think so.</p> <p>22 Q So, when they transferred everything in to</p> <p>23 their own truck, did you talk to Levon and Zadik</p> <p>24 and say, your truck is empty. Come get it. Or did</p>	<p style="text-align: right;">Page 93</p> <p>1 Q You don't remember?</p> <p>2 A I don't remember.</p> <p>3 Q And to evidence that you owned these million</p> <p>4 eight worth of test kits all you had to show for it</p> <p>5 was this piece of paper, Gary Weiss-5? There was</p> <p>6 no bill of sale that they gave you?</p> <p>7 A This what they gave me.</p> <p>8 Q The only thing they gave you was Gary Weiss-5;</p> <p>9 right?</p> <p>10 A Yeah.</p> <p>11 Q And did you ever hear the name Mask and</p> <p>12 Eldiven before?</p> <p>13 A No.</p> <p>14 Q 2 West 47 Street?</p> <p>15 A Never.</p> <p>16 Q The New York, New York address?</p> <p>17 A I just checked it. The building does not</p> <p>18 exist anymore.</p> <p>19 Q Right. The phone number (201) 575-0193?</p> <p>20 A There is a phone number, too.</p> <p>21 Q That's the phone number; right?</p> <p>22 A Yeah.</p> <p>23 Q Does that match the one in your phone?</p> <p>24 A Yeah. I tried to call several times. Nobody</p>

24 (Pages 90 to 93)

<p style="text-align: right;">Page 94</p> <p>1 is answering and I don't know if this is really the 2 phone number. I noted is their phone number, but 3 nobody answers me, so I'm not sure if this is the 4 one, you know. That's what I have noted. Okay. 5 That's the phone number here. 6 Q The phone number I just typed in my phone, the 7 201 575 1 -- 8 A Yes. 9 Q -- that's the number in your phone; right? 10 A That's the number in my phone. 11 Q That's the one in the purchase order; right? 12 A Yes. 13 Q Let's hit send and see what happens. 14 A I don't even know if that's correct. 15 MR. LIGHTMAN: Let the record 16 reflect, we called the number and got an 17 answering machine. I left my name and phone 18 number. 19 BY MR. LIGHTMAN: 20 Q So they went about a block away. You don't 21 remember if they gave you any documents after you 22 gave them a million eight of your merchandise; 23 right? They said we needed bills of lading and you 24 called Sam and said, I need a bill of lading;</p>	<p style="text-align: right;">Page 96</p> <p>1 Q And the guy, the mover, after an hour they 2 never sent -- 3 A I'm not waiting here. 4 Q And you said, take it back to your hub, the 5 warehouse? 6 A No. He said that he spoke to his boss and his 7 boss told him that he cannot wait here. He has 8 to -- will be waiting in their hub. I said, okay. 9 Q So he took the truck load of these hundreds of 10 thousands of test kits to the Available Moving and 11 Storage warehouse; right? 12 A I guess. 13 Q Did you know where it was? 14 A No. 15 Q No? 16 A I mean, the address of Available Movers was -- 17 it is what it is, you know. 18 Q So then -- 19 A And I was -- I don't know the place, you know. 20 Q What happened then? So the goods are at 21 Available Moving Storage. Did Sam ever get you a 22 bill of lading? 23 A Sam said he's going to send it directly to the 24 movers because they need it, not me.</p>
<p style="text-align: right;">Page 95</p> <p>1 right? 2 A Yes. 3 Q Did you ever give a bill of lading to Sam? 4 A Me? 5 Q Yes. 6 A I don't -- I don't have forms that said bill 7 of lading, nor did I know what bill of lading is. 8 Today I know. 9 Q But at the time you didn't know? 10 A No. 11 Q Did Available Moving and Storage ever issue a 12 bill of lading to you for any of the goods of the 13 delivery addresses? 14 A Why should they? 15 Q So the answer is no; right? 16 A No. 17 Q So your understanding was that Sam was 18 supposed to give you a bill of lading for this 19 stuff; right? 20 A Yeah. They said that they need a bill of 21 lading. I told Sam this, that these people need a 22 bill of lading. And the way he answered he 23 understood what I'm telling him. And he says, 24 yeah, I'll send it.</p>	<p style="text-align: right;">Page 97</p> <p>1 Q Did he ever send the bill of lading to 2 Available Movers? 3 A I don't think so. 4 Q And how about Manfred? Did Manfred ever send 5 the bill of lading? 6 A I don't know what they did. 7 Q And then how long -- there came a point in 8 time like a week or two later when Available Moving 9 and Storage said we haven't gotten a bill of 10 lading. You have to take your goods back; right? 11 A I don't remember that. No. They told me that 12 they will have to charge me storage. 13 Q And you said, I'll pick up my goods? 14 A No. At this point I said okay. I'll pay for 15 storage. I asked him how much it is. I don't 16 remember exactly the number that he said, you know, 17 but he said maybe \$350 a week or something. I 18 don't know the number. He didn't give me a number 19 that I remember right now, but I said okay. 20 Whatever it is, I'll pay. 21 Q And then what happened? 22 A I asked Sam the next day when this bill of 23 lading is and what is the problem. He said that he 24 mentioned that somebody canceled and he's trying to</p>

25 (Pages 94 to 97)

<p style="text-align: right;">Page 98</p> <p>1 sell that portion of the goods to somebody else, so 2 it's going to take him another few days to get it 3 right. I said, okay. I did what you wanted. I 4 put it on the truck for you. Originally, he 5 supposed to do that, but he didn't have a credit 6 card to book the movers and I did it for him. And 7 I guess he never gave them a bill of lading, so 8 they will not continue with the deliveries without 9 a bill of lading. That's how I understand it 10 today. 11 Q And at some point you went and picked up the 12 goods? 13 A Yeah. At some point -- 14 Q Do you remember having this telephone 15 conversation with myself and Dan Scully on 16 July 27th? 17 A I don't remember. I believe what you say, but 18 I don't remember it. Just tell me. Don't -- tell 19 me and I'm going to -- 20 Q I'm going to refresh your recollection. 21 A Okay. You are showing me now an actual call? 22 Q I'm showing you an e-mail from my computer 23 that's from Gary Weiss to Kim in the office dated 24 July 27 at 10:04 p.m. Do you see that? From Gary</p>	<p style="text-align: right;">Page 100</p> <p>1 2023. I am talking about 2022. And the month of 2 February. What are you talking about? What are 3 you mixing the times? 4 Q Please. I'm asking whether you remember 5 having a telephone conversation with me and Daniel 6 Scully on July 27, 2023. 7 A If I remember this phone call? 8 Q No. You wrote to me that we had a telephone 9 conversation. You, me and Dan Scully on July 27, 10 2023? 11 A Yeah. I wrote this letter. 12 Q Which lasted 28 minutes and 24 seconds? 13 A Okay. 14 Q Do you remember telling Dan and I during that 15 telephone conversation that there came a point in 16 time when about two weeks after the AMS took the 17 goods to their hub on February 7th that AMS said, 18 you have to get your goods out of our warehouse? 19 A I don't remember what I spoke to you about. 20 Q You don't remember that? 21 A No. 22 Q Did there come a time later in February when 23 you went to take your goods out of the warehouse? 24 A Okay. Just to answer the first question, I</p>
<p style="text-align: right;">Page 99</p> <p>1 Weiss to Kim DiTomaso and me -- 2 A I don't see it because my lenses really -- it 3 doesn't go. Hi, Mr. Weiss. This is July 27? 4 Q Yes. 5 A We are now in -- 6 Q July -- 7 A -- February. 8 Q July 27, 2003. You wrote me. Can you read 9 the first paragraph? 10 A Hi, Mr. Weiss. Thank you for opportunity to 11 talk to you yesterday, July 27th. But you are 12 asking now about February. 13 Q Please read this. 14 A I read the first line. 15 Q Hi, Mr. Lightman, thank you for the 16 opportunity to talk to you yesterday July 27, 2023. 17 I recognize your phone number so I answered you. 18 You also connected Daniel D. Scully of The Safety 19 House. We had a very good conversation which 20 lasted 28 minutes and 24 seconds from telephone 21 number 215-760-3000. 22 Does that refresh your recollection 23 that we had this phone conversation? 24 A Hold on a second, Mr. Lightman. We are in</p>	<p style="text-align: right;">Page 101</p> <p>1 don't remember what I spoke to you in those 2 conversations that you called me and at that time a 3 lawyer. Do you mean still in July? Don't say that 4 my lawyer got dismissed on November -- 5 Q 9th? 6 A -- 9th of 2023. This conversation is while I 7 have a lawyer and you called me during the time 8 that I still had a lawyer and I ask you why you are 9 calling me and not my lawyer. But I don't remember 10 what I spoke to you about. 11 Q Do you remember telling me you were acting pro 12 se at the time? 13 A I don't remember. 14 Q I have an e-mail from you saying that and also 15 clear up the record? 16 A I didn't say the word no. Listen, I'm just 17 telling you what I remember. Don't worry about 18 what I say. I remember, I tell you. What I don't 19 remember, I don't tell you. You told me that in 20 the beginning. 21 Q Do you remember telling us that about two 22 weeks later later in February -- 23 A I don't remember. I just said before I don't 24 remember that.</p>

26 (Pages 98 to 101)

<p style="text-align: right;">Page 102</p> <p>1 Q Okay. Did you go to AMS's facility to pick up 2 your goods? 3 A Yes. 4 Q That was later in February; correct? 5 A No. 6 Q When was that? 7 A That was in March. 8 Q And what happened when you went to your 9 facility? 10 A I picked it up. 11 Q And then what did you do? 12 A And I took it away from them. 13 Q So, when you got there, how did you get the 14 goods out of their warehouse? Did they give you 15 their truck? 16 A No. 17 Q So you went there -- 18 A I brought my own truck. 19 Q Okay. 20 A And I was about to make the delivery myself. 21 Q So you went there to pick up the goods from 22 AMS? 23 A Exactly. 24 Q You took all the boxes and loaded them on to</p>	<p style="text-align: right;">Page 104</p> <p>1 Everyone has a cousin or somebody else, you know, 2 and the truck came. 3 Q What kind of truck was it? 4 A A big truck. 5 Q So you went with these three people. Did you 6 use your car or just the truck? 7 A No. I was in my truck, in my SUV truck. 8 Q You were in your SUV. These three people that 9 you hired off the street somehow located a truck; 10 right? 11 A (Nods heads up and down.) 12 Q And you and your SUV and the three people in 13 the truck went to AMS's hub. Where was that? In 14 New York or in New Jersey? 15 A It's in New York. 16 Q In New York. And you pulled the truck in to 17 the yard and then what happened? 18 A I remember was raining day that I remember and 19 they backed -- they backed into the back of their 20 truck. 21 Q And then what happened? 22 A And load it. 23 Q The took the stuff from the truck that AMS had 24 and put it on the truck that one of the three</p>
<p style="text-align: right;">Page 103</p> <p>1 your truck? 2 A Right. 3 Q Was there someone else there helping you? 4 A Were three people. 5 Q You -- you brought three people? 6 A I brought three people with me. 7 Q Who were the people that you brought? 8 A I don't remember their names. 9 Q You don't remember their names. Did you pay 10 them? 11 A Of course. 12 Q How did you pay them? 13 A In cash. 14 Q How did you find these three people? 15 A On Elizabeth Avenue there are people that mill 16 around every morning between 6:00 a.m. to 17 twelve o'clock and they are looking for a day job. 18 Q Okay. So what did you do? 19 A I just went and I got somebody. Some people. 20 Three. 21 Q Three people? 22 A Three people and a truck. 23 Q How did you get the truck? 24 A I told them I need a truck. They called.</p>	<p style="text-align: right;">Page 105</p> <p>1 people had located you for the day; right? 2 A Right. 3 Q And then what did you then do? You drove away 4 with it? 5 A Sure. 6 Q Where did you go? 7 A I went to Elizabeth. 8 Q And what was your intent? To deliver the 9 stuff yourself? 10 A Yeah. 11 Q Did you have -- 12 MR. LAVER: Wait a second. Who 13 drove the truck? 14 THE WITNESS: Driver. 15 MR. LAVER: You did not drive the 16 truck? 17 THE WITNESS: No. I don't -- 18 BY MR. LIGHTMAN: 19 Q You were following or leading in the SUV? 20 A I thought that they were driving behind me. I 21 told them where he were going. 22 Q Where did you tell them you were going? 23 A That we were going in to the -- the name is 24 Warinanco Park.</p>

27 (Pages 102 to 105)

Page 106

1 Q How do you spell it?
 2 A **W-a-r-r-i-n-i-c-o.**
 3 Q Is that the park where you met --
 4 A **I guess that's the name of the park. I'm not**
 5 **sure. But, yes, I think Warinanco.**
 6 Q But that's where you met --
 7 A **Say. Same -- same place.**
 8 Q Levon and Zadik?
 9 A **Yeah.**
 10 Q And why were you going to this park again?
 11 A **Check.**
 12 Q Pardon me?
 13 A **To check the boxes and make sure everything is**
 14 **okay.**
 15 Q And you got to this park. And is that when
 16 you discovered that they had all been -- all the
 17 test kits had been taken out and rice had been put
 18 in there?
 19 A **Yeah.**
 20 Q Tell me what happened. You get in your SUV.
 21 You go to this park. You park the truck; right?
 22 Tell me what happened.
 23 A **And I open a box and another box and another**
 24 **box and it's all with rice.**

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1 truck that you're talking about?
 2 A **No.**
 3 Q This is a different truck?
 4 A **Yeah.**
 5 Q What is this truck?
 6 A **This is -- this is the truck that Available**
 7 **Movers came and emptied into their truck.**
 8 Q So this is the truck that Levon and Zadik gave
 9 to you with all these test kits; right?
 10 A **Yes.**
 11 Q And why did you take a picture of that?
 12 **MR. LAVER:** Objection to form.
 13 You can answer it.
 14 BY MR. LIGHTMAN:
 15 Q Did you take a picture of this?
 16 A **Yeah. I think I did.**
 17 Q Why did you take a picture of this truck?
 18 A **The lawyer Daphna Zekaria wanted me to take**
 19 **pictures of the merchandise.**
 20 Q Did you take any other pictures other than
 21 this?
 22 A **Yeah. I took several.**
 23 Q You took several pictures of it. Where are
 24 those pictures?

Page 107

1 Q The test kits are gone?
 2 A **No test kits.**
 3 Q And instead these are boxes of rice?
 4 A **Yeah.**
 5 Q And do you remember telling Dan Scully and I
 6 in your phone call in July that you checked every
 7 one of the boxes?
 8 A **Every one?**
 9 Q Yes.
 10 A **I check the boxes.**
 11 Q Every one of the boxes?
 12 A **I emptied the boxes.**
 13 Q You emptied all the boxes?
 14 A **I emptied all of the boxes.**
 15 Q You ended up with this big pile of rice.
 16 Where -- did you do this in the park?
 17 A **Big pile of rice and big piles of empty boxes.**
 18 Q And no test kits?
 19 A **Not even one.**
 20 Q So it's your sworn testimony you emptied all
 21 of the boxes into this big pile of rice; right?
 22 A **Right. I made a big pile of rice, yes.**
 23 Q I would like to show you Deposition Exhibit-16
 24 which is Manfred Sternberg Exhibit-16. Is this the

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1 A **I don't know. You don't have them?**
 2 Q No. Could you please produce these pictures?
 3 A **Yeah. Yeah. Yeah.**
 4 Q So let's go back to this day you told Dan and
 5 I this was the last week of February. Why do you
 6 say March now?
 7 A **Because I went to Available Movers in the**
 8 **beginning of March like 4th of March.**
 9 Q Why did you tell Dan and I when we talked in
 10 July that you went in the last week of February?
 11 A **I don't remember what I told you. That's one.**
 12 **Okay.**
 13 Q So you are saying it's March 4th?
 14 A **Repeat again the question. I want to**
 15 **understand.**
 16 Q When we spoke in July, you were telling us the
 17 story about the boxes being switched to rice. You
 18 said it was the last week of February and now you
 19 are saying --
 20 A **No. No. No. First of all, I did not tell**
 21 **you that. Okay. So I disagree with what you are**
 22 **saying. Okay. To say it gently. I did not say**
 23 **that.**
 24 Q You did not say what?

<p style="text-align: right;">Page 110</p> <p>1 A About anything picking up in February.</p> <p>2 Q Okay. Well, the date you're saying -- you</p> <p>3 dispute that you told us it was in February. Your</p> <p>4 testimony here today was March 4th?</p> <p>5 A Right.</p> <p>6 Q So you get to this park. You open up the</p> <p>7 truck. You start looking at the test kits and</p> <p>8 they're all rice?</p> <p>9 A Yes, sir.</p> <p>10 Q And you took all of the test kits off of the</p> <p>11 truck and emptied them into a pile of rice in the</p> <p>12 park?</p> <p>13 A Not in the park.</p> <p>14 Q Where?</p> <p>15 A In the truck. We emptied the box. We folded</p> <p>16 it flat. We put it. We already realized after</p> <p>17 two, three boxes that this is not going to be --</p> <p>18 they really did not know what is happening.</p> <p>19 Q The driver and the guys you hired?</p> <p>20 A They did not know what is really happening.</p> <p>21 Q So after you emptied all these boxes in to</p> <p>22 this big pile of rice, what did you do? Did you</p> <p>23 take any pictures of it?</p> <p>24 A Of the --</p>	<p style="text-align: right;">Page 112</p> <p>1 A I don't know.</p> <p>2 Q Manfred wired million -- over \$2 million to</p> <p>3 her; right?</p> <p>4 A Okay. Okay.</p> <p>5 Q So what does she have -- why is Manfred</p> <p>6 Sternberg taking the money from his attorney escrow</p> <p>7 account. The first deposit \$219,240 he wired right</p> <p>8 to you; right?</p> <p>9 A Right.</p> <p>10 Q The next one of a million nine and change he</p> <p>11 didn't wire to you. He wired it to Daphna Zekaria;</p> <p>12 right?</p> <p>13 A Exactly.</p> <p>14 Q Why did he do that?</p> <p>15 A First of all, when me and Sam are making the</p> <p>16 deal, there is no Daphna Zekaria. I never heard</p> <p>17 the name before. I don't know a Ms. Zekaria.</p> <p>18 Q So you never did business with her?</p> <p>19 A Never.</p> <p>20 Q She never was your attorney?</p> <p>21 A No.</p> <p>22 Q You never met her before this deal?</p> <p>23 A No.</p> <p>24 Q So tell me how she got -- how did Daphna get</p>
<p style="text-align: right;">Page 111</p> <p>1 Q Of the rice?</p> <p>2 A Of the rice.</p> <p>3 Q You got a million eight in test kits and you</p> <p>4 pick them up from Available Movers and Storage,</p> <p>5 according to your testimony. You bring them to</p> <p>6 this park. You open them up and you say, oh, my</p> <p>7 God, these aren't test kits. This is rice. You</p> <p>8 open up all the boxes. You make a big pile of</p> <p>9 rice. You didn't take any pictures of that?</p> <p>10 A I don't think so.</p> <p>11 Q So you called Available Movers?</p> <p>12 A I have a check really, but I don't think I</p> <p>13 took pictures.</p> <p>14 Q Did you call Daphna Zekaria and say, Daphna, I</p> <p>15 picked up a million eight worth of merchandise. I</p> <p>16 thought they were test kits. I drove it to the</p> <p>17 park and it's all rice. Did you tell Daphna that?</p> <p>18 A Wait. Wait. Wait. Wait. You are so</p> <p>19 confused. What does this stuff now have to do with</p> <p>20 her getting involved in this transaction on</p> <p>21 February 4, 5, 6, 7 and one month after that?</p> <p>22 Q She's your attorney in this deal; right?</p> <p>23 A No.</p> <p>24 Q What does she -- what's her role in this deal?</p>	<p style="text-align: right;">Page 113</p> <p>1 interjected into this deal?</p> <p>2 A I don't know yet.</p> <p>3 Q Well, tell --</p> <p>4 A I'll tell you what I know.</p> <p>5 Q Tell me what you know. That's all I want to</p> <p>6 know.</p> <p>7 A So the \$219,000 deposit I got directly in to</p> <p>8 A. Solar Diamond.</p> <p>9 Q Right.</p> <p>10 A And after few days, Sam is telling me that it</p> <p>11 is required by Manfred -- by Attorney Manfred that</p> <p>12 the money will go to an escrow account of Zekaria</p> <p>13 which I did not know at that time.</p> <p>14 Q So Manfred's the one who told you it's going</p> <p>15 to go to Zekaria?</p> <p>16 A No. Sam told me it's going to go to Zekaria.</p> <p>17 Q Sam told you it was going to go to Zekaria?</p> <p>18 A Yes. And he put me in touch with Zekaria and</p> <p>19 she made like an agreement, but I never met her</p> <p>20 before. So the agreement is that she's going to</p> <p>21 get the money, the balance, and she's going to</p> <p>22 verify the -- that it is on the truck and then I'm</p> <p>23 going to get the balance.</p> <p>24 Q And this agreement with you and Zekaria, where</p>

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<p style="text-align: right;">Page 114</p> <p>1 is it?</p> <p>2 A I have to look. I have it someplace.</p> <p>3 MR. LIGHTMAN: Both you, Mr. Weiss,</p> <p>4 and you, Mr. Healey, I requested a copy of</p> <p>5 this agreement. Other than the one document</p> <p>6 you gave us, I would like to see that. Okay?</p> <p>7 THE WITNESS: Okay.</p> <p>8 MR. HEALEY: If it exists.</p> <p>9 MR. LIGHTMAN: By the way, any time</p> <p>10 I make a request for documents, mark that</p> <p>11 spot.</p> <p>12 MR. LAVER: Note that I join in that</p> <p>13 request, please.</p> <p>14 BY MR. LIGHTMAN:</p> <p>15 Q So it's a written agreement?</p> <p>16 A Yeah.</p> <p>17 Q Is it a retainer agreement? Did you actually</p> <p>18 retain her?</p> <p>19 A I have to look and find it.</p> <p>20 Q Do you have it in that bag of documents you</p> <p>21 produced?</p> <p>22 A You know, I don't know.</p> <p>23 Q At the lunch break we will look through that</p> <p>24 together. So after the Zekaria. So the agreement</p>	<p style="text-align: right;">Page 116</p> <p>1 agreement just between --</p> <p>2 A Zekaria agreement.</p> <p>3 Q Zekaria and you. Is Sam a party to this</p> <p>4 agreement?</p> <p>5 A I don't think so.</p> <p>6 Q Is Manfred Sternberg a party to this</p> <p>7 agreement?</p> <p>8 A I don't think so.</p> <p>9 Q There is only one agreement signed between you</p> <p>10 and Zekaria; right?</p> <p>11 A Yeah.</p> <p>12 MR. HEALEY: I'd like to put on the</p> <p>13 record, Mr. Scully, you keep nodding your</p> <p>14 head at questions and things. I think that's</p> <p>15 inappropriate. Don't direct the witness to</p> <p>16 make a comment. I'm not being an asshole</p> <p>17 but --</p> <p>18 MR. LIGHTMAN: I would be a little</p> <p>19 bit nodding my head, too, if someone took</p> <p>20 two million from me and didn't give it back,</p> <p>21 but let's go on. Ready?</p> <p>22 BY MR. LIGHTMAN:</p> <p>23 Q Did you retain Daphna Zekaria or her law firm</p> <p>24 to act as your attorney?</p>
<p style="text-align: right;">Page 115</p> <p>1 is --</p> <p>2 A You want the Zekaria agreement?</p> <p>3 Q Yes.</p> <p>4 MR. LAVER: We will make it easy.</p> <p>5 We want all documents that pertain to this</p> <p>6 transaction.</p> <p>7 THE WITNESS: That pertain to --</p> <p>8 BY MR. LIGHTMAN:</p> <p>9 Q This transaction. We want all documents</p> <p>10 involving you, Sam Gross, Zekaria. You produced</p> <p>11 some of them and not all of them and Manfred. So</p> <p>12 wait. The agreement, is it just between you and</p> <p>13 Zekaria or --</p> <p>14 A You said I produced?</p> <p>15 Q You produced some, but not all of it?</p> <p>16 A I produced. I want to be open between me and</p> <p>17 you. I produced.</p> <p>18 Q You did not produce this agreement?</p> <p>19 A Not this agreement, but I produced --</p> <p>20 Q You did not produce anything other than this</p> <p>21 one picture, so you said there is a bunch of</p> <p>22 pictures?</p> <p>23 A Yes. And I said -- okay. So pictures.</p> <p>24 Q I want all the pictures. This is the written</p>	<p style="text-align: right;">Page 117</p> <p>1 A She insisted that we do the agreement. I did</p> <p>2 not want it, but the only way that I can get now</p> <p>3 the balance of the money is through her.</p> <p>4 Q So you retained her as your attorney?</p> <p>5 A Yes.</p> <p>6 Q Is she still your attorney today?</p> <p>7 A No. I told her she does not represent me any</p> <p>8 more in April or May.</p> <p>9 Q Of 2023 or 2022?</p> <p>10 A 2022.</p> <p>11 Q Do you authorize Daphna Zekaria to disclose</p> <p>12 information relating to this transaction?</p> <p>13 A I have to think about it.</p> <p>14 Q I would like an answer?</p> <p>15 A We have discussed it once. Right. And I said</p> <p>16 at the moment no, but I also said I want to think</p> <p>17 about it and I didn't say definitely no.</p> <p>18 Q So you have been thinking about it for months</p> <p>19 now. Daphna says, I have information to provide to</p> <p>20 you, but unless you get a court order or Gary Weiss</p> <p>21 says I can disclose it, I can't disclose it. Do</p> <p>22 you authorize her to disclose that information?</p> <p>23 A Not at the moment.</p> <p>24 Q Why not?</p>

30 (Pages 114 to 117)

<p style="text-align: right;">Page 118</p> <p>1 A Because I'm still looking for \$2 million.</p> <p>2 Q Ready. What do you mean you are still looking</p> <p>3 for \$2 million? That she has?</p> <p>4 A That somebody has.</p> <p>5 Q So it's --</p> <p>6 A I gave collateral of over four million.</p> <p>7 Q That's the diamonds and gems?</p> <p>8 A Yes.</p> <p>9 Q Who did you give the collateral and gems to?</p> <p>10 A To Sam and to Zekaria.</p> <p>11 Q You gave some of it to Zekaria in a coffee</p> <p>12 shop to give to Sam. Did he get those diamonds</p> <p>13 that you gave to Daphna in that coffee shop?</p> <p>14 A Excuse me?</p> <p>15 Q Did Sam end up getting those documents that</p> <p>16 you gave the diamonds to in the Starbucks coffee</p> <p>17 shop?</p> <p>18 A I don't know.</p> <p>19 Q You never asked Sam, hey, did you get the</p> <p>20 diamonds I gave to Zekaria?</p> <p>21 A I don't know yet.</p> <p>22 Q So it's possible Zekaria should be holding on</p> <p>23 to those diamonds?</p> <p>24 A I don't know. Okay.</p>	<p style="text-align: right;">Page 120</p> <p>1 A No.</p> <p>2 Q Was it in a hotel room?</p> <p>3 A I don't know where it was taken.</p> <p>4 Q Were you ever in a hotel room with Daphna</p> <p>5 Zekaria?</p> <p>6 A No.</p> <p>7 Q No romantic or sexual encounter with Daphna</p> <p>8 Zekaria?</p> <p>9 A No.</p> <p>10 Q You are positive about that?</p> <p>11 A Absolutely.</p> <p>12 Q And how about Sam? Did Sam have a romantic or</p> <p>13 a sexual relationship or encounter with Daphna?</p> <p>14 A You have to ask him all those questions.</p> <p>15 Q To your knowledge, did they ever have?</p> <p>16 A I believe, yes, but I don't have definite</p> <p>17 proof.</p> <p>18 Q And you believe yes, because Daphna told you?</p> <p>19 A No, because Sam told me.</p> <p>20 Q Did you ever ask Daphna, hey, Sam just told me</p> <p>21 you guys had sex in a hotel room?</p> <p>22 A I never asked.</p> <p>23 Q Why didn't you ask? She's your attorney</p> <p>24 having sex with your seller?</p>
<p style="text-align: right;">Page 119</p> <p>1 MR. HEALEY: Objection.</p> <p>2 THE WITNESS: You will ask Zekaria.</p> <p>3 You have time to ask her.</p> <p>4 BY MR. LIGHTMAN:</p> <p>5 Q Do you have pictures of Zekaria wearing the</p> <p>6 collateral you gave? I'm told that there are</p> <p>7 compromising pictures of Daphna either naked or</p> <p>8 without clothes or in compromising situations</p> <p>9 wearing the collateral that eventually ended up</p> <p>10 with Sam. Do you have those pictures?</p> <p>11 A Well, we have to be correct about the</p> <p>12 collateral. But one of them depicts something that</p> <p>13 looks like square stone between her tits.</p> <p>14 Q Do you have a picture of that?</p> <p>15 A Yeah, I do.</p> <p>16 Q In fact, that's one of the pictures I want you</p> <p>17 to produce.</p> <p>18 A It's going to be juicy here.</p> <p>19 Q Well, did she retain that square diamond?</p> <p>20 That's one of the ones you gave her?</p> <p>21 A I'm telling you, I don't know.</p> <p>22 Q Where was that picture taken?</p> <p>23 A I don't know.</p> <p>24 Q Did you take it?</p>	<p style="text-align: right;">Page 121</p> <p>1 A Mr. Lightman, I didn't ask. Don't ask why. I</p> <p>2 didn't ask. Let put it this way. I would never</p> <p>3 ask.</p> <p>4 MR. LAVER: Pardon me, Gary. How</p> <p>5 did you receive the photograph that you</p> <p>6 referenced?</p> <p>7 THE WITNESS: Sam sent it to me by</p> <p>8 text.</p> <p>9 MR. LAVER: Sam sent you a text of</p> <p>10 your attorney topless?</p> <p>11 THE WITNESS: More than that.</p> <p>12 BY MR. LIGHTMAN:</p> <p>13 Q What other pictures did he send you?</p> <p>14 A Everything.</p> <p>15 Q How many pictures?</p> <p>16 A Must be more than five.</p> <p>17 Q Of her naked?</p> <p>18 A Yeah.</p> <p>19 Q Her having sex?</p> <p>20 A No.</p> <p>21 Q Her wearing anything other than the one</p> <p>22 diamond between her tits?</p> <p>23 MR. LAVER: This is unreal.</p> <p>24 THE WITNESS: Very explicit</p>

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<p>1 pictures.</p> <p>2 MR. HEALEY: Was her face in any of</p> <p>3 them?</p> <p>4 THE WITNESS: What?</p> <p>5 MR. HEALEY: Was her face in any of</p> <p>6 them?</p> <p>7 THE WITNESS: I have to look and</p> <p>8 I'll tell you.</p> <p>9 BY MR. LIGHTMAN:</p> <p>10 Q So they're definitely --</p> <p>11 MR. HEALEY: You don't remember?</p> <p>12 THE WITNESS: No. No.</p> <p>13 BY MR. LIGHTMAN:</p> <p>14 Q Wait. Wait. He said he texted them to you;</p> <p>15 right? Can you pull them up on your phone?</p> <p>16 A Yeah.</p> <p>17 Q Can I see one of them?</p> <p>18 A If it's here.</p> <p>19 Q Did you delete any texts or messages?</p> <p>20 A No. But I have to open my phone. Hang on a</p> <p>21 second. Each time I open my phone, I don't know</p> <p>22 what my phone will tell me.</p> <p>23 MR. LAVER: Why don't we go off the</p> <p>24 record while you are doing that.</p>	<p>1 delete any pictures. Ready. This all evidence and</p> <p>2 you can't delete any of this. Okay?</p> <p>3 A Correct. Correct.</p> <p>4 Q So, if it's on your -- you don't have to --</p> <p>5 stop looking. Stop looking. If it's on your other</p> <p>6 phone, let us know. If that phone is not working,</p> <p>7 we will arrange for an IT person to go in to the</p> <p>8 phone and get those pictures, but I request the</p> <p>9 pictures. So wait. Ready.</p> <p>10 Let's go back to the park where it's</p> <p>11 now February -- it's now the end of February, as</p> <p>12 you told Dan, or me March 4 as you stated it is</p> <p>13 now, you discover that 355,760 boxes of I-COVID</p> <p>14 test kits have all turned to rice; correct?</p> <p>15 A Yeah.</p> <p>16 Q What do you do? What did you do?</p> <p>17 A I told Shlomo.</p> <p>18 Q I told Shlomo. And what did you say to</p> <p>19 Shlomo?</p> <p>20 A I don't remember. I told him. I don't know</p> <p>21 if I told him that moment.</p> <p>22 Q Well, go back to that moment. You take a</p> <p>23 million eight worth of test kits away from</p> <p>24 Available Movers. You go to this park in</p>
Page 123	Page 125
<p>1 BY MR. LIGHTMAN:</p> <p>2 Q Let me ask you one other question. Did</p> <p>3 Manfred, to your knowledge, ever have sex with</p> <p>4 Daphna?</p> <p>5 A No.</p> <p>6 MR. LAVER: We are off the record.</p> <p>7 ---</p> <p>8 (Discussion off the record.)</p> <p>9 ---</p> <p>10 BY MR. LIGHTMAN:</p> <p>11 Q Do you have another cell phone, other than</p> <p>12 this one?</p> <p>13 A Yeah.</p> <p>14 Q What's that cell phone number?</p> <p>15 A Same.</p> <p>16 Q What?</p> <p>17 A Same phone.</p> <p>18 Q You can't have two cell phones with the same</p> <p>19 cell phone number.</p> <p>20 A It's not working. Just the pictures are on</p> <p>21 that.</p> <p>22 Q Ready. Listen. You can't delete any texts.</p> <p>23 A I don't delete any.</p> <p>24 Q You can't delete any e-mails. You can't</p>	<p>1 Elizabeth, New Jersey. You open a box. It's rice.</p> <p>2 You open all the boxes and you end up with 355,000</p> <p>3 boxes of rice? What do you do when you discover</p> <p>4 that you have no test kits instead you have 355,000</p> <p>5 boxes of rice. What did you do?</p> <p>6 A I tell you what I did with the rice.</p> <p>7 Q What did you do with the rice? What did you</p> <p>8 do with the rice?</p> <p>9 A Across from me there was a school and they</p> <p>10 used to give out food once or twice a week.</p> <p>11 Remember, this is COVID time.</p> <p>12 Q You gave ten years supply worth of rice?</p> <p>13 A No. No.</p> <p>14 Q What did you do?</p> <p>15 A So the whole neighborhood used to come there</p> <p>16 and take food. You know, they used to have like on</p> <p>17 the side of the school trucks coming loading</p> <p>18 their -- the big refrigerator in the school, you</p> <p>19 know, like few rooms refrigerator like probably for</p> <p>20 lunches or whatever. So now they bring food and</p> <p>21 they open the doors on some days of the week and</p> <p>22 people come and fill up bags of food.</p> <p>23 Q On Sundays?</p> <p>24 A What is Sundays?</p>

32 (Pages 122 to 125)

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1 Q You said on Sundays?

2 A **Some days.**

3 Q Some days. I apologize. Go ahead.

4 A **And I took the rice there.**

5 Q You took 355 -- 365,790 boxes worth of rice to

6 the school across the street?

7 A **No. First I loaded it in my SUV.**

8 Q Okay. And you took all the rice. How did you

9 load it? Just stuck it in the back?

10 A **Yeah.**

11 **MR. LAVER:** In your SUV?

12 **THE WITNESS:** I have a Trailblazer

13 where the back seats come down. Okay. And I

14 loaded everything food there and --

15 BY MR. LIGHTMAN:

16 Q Go ahead, continue.

17 A **And some I unloaded in front of the school**

18 **where they -- where they distribute the food right**

19 **there so people come and take.**

20 Q What color is your SUV? White?

21 A **Black. It's Trailblazer.**

22 Q Okay. So let's go back. Before you loaded

23 the rice and gave it away --

24 A **This is my truck right here.**

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1 your -- the 365,790 boxes of I-COVID test kits have

2 been turned into rice. Did you call Available

3 Moving and Storage and say, hey, guys the test kits

4 I just picked up from you are not the test kits I

5 gave you. They are now all rice?

6 A **I don't remember whom I called really.**

7 Q Do you remember calling AMS?

8 A **I don't remember.**

9 Q Sitting here today, your testimony is I

10 delivered 365,790 boxes of I-COVID test kits to

11 Available Moving and Storage on February 7th that

12 they took to their hub; right? Right? You can't

13 nod.

14 A **(Nods heads up and down.)**

15 Q The witness nodded yes. Yes. That's correct?

16 A **What is the question exactly?**

17 Q You testified on February 7 you delivered

18 365,790 I-COVID test kits to Available Moving and

19 Storage; correct?

20 A **They picked it up.**

21 Q They picked it up. You checked the boxes

22 before you delivered it to them and they weren't

23 rice at the time; right?

24 A **Right.**

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1 Q You're pointing to Manfred Deposition

2 Exhibit-16 right in front of the white car is a

3 black SUV. That's your SUV. Do you own that

4 today?

5 A **Yes.**

6 Q Did you drive that here?

7 A **No.**

8 Q What did you drive here?

9 A **Another car.**

10 Q What kind of car?

11 A **A different car.**

12 Q What car?

13 A **Four-wheel drive.**

14 Q A Ford? A Chevy? Catty?

15 A **Why is it important right now?**

16 Q I'd like to know what kind of car you drove

17 here?

18 A **A black car.**

19 Q What make and model car did you drive here

20 today?

21 A **A Toyota Camry 2019.**

22 Q Let's go back.

23 A **The plate number, I don't remember.**

24 Q Let's go back to this discovery that all of

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1 Q They were test kits; right?

2 A **Right.**

3 Q Available Movers and Storage took them to

4 their hub. When you went to get them from

5 Available Movers and checked them when you got back

6 to New Jersey, they no longer were 365,790 boxes of

7 test kits. They were 365,790 boxes of rice?

8 A **Correct.**

9 Q And you never -- you don't remember calling

10 AMS and saying, what happened to my test kits?

11 A **No, I don't.**

12 Q Well, certainly you made a police report.

13 Hey, police, I just had a million eight dollars

14 worth of test kits turned to rice. You called the

15 police; right?

16 A **Did I?**

17 Q Did you?

18 A **No.**

19 Q Why didn't you call the police?

20 A **I did not.**

21 Q Why? Someone just stole a million eight worth

22 of merchandise from you. They took a million eight

23 worth of I-COVID test kits out of these boxes and

24 instead put rice in these boxes; right?

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<p style="text-align: right;">Page 130</p> <p>1 A Right.</p> <p>2 Q You didn't call the police and say, I'm out a</p> <p>3 million eight of test kits?</p> <p>4 A No. I didn't call the police.</p> <p>5 Q Why?</p> <p>6 A I just knew that I got screwed.</p> <p>7 Q You knew you got screwed?</p> <p>8 A Right.</p> <p>9 Q And you didn't do anything about it?</p> <p>10 A I don't remember what I did exactly.</p> <p>11 Q Really?</p> <p>12 A Yeah.</p> <p>13 Q So someone stole a million eight worth of</p> <p>14 merchandise from me I would remember that day very</p> <p>15 clearly?</p> <p>16 A I remember that day very clearly, but I don't</p> <p>17 remember if I spoke to Available Movers about it,</p> <p>18 you know.</p> <p>19 Q Is the reason why you didn't call the</p> <p>20 police --</p> <p>21 A The police I didn't call. There is no reason.</p> <p>22 That whenever -- Available Movers, I don't remember</p> <p>23 I called them. It is possible that I did.</p> <p>24 Q Is the reason that you didn't call Available</p>	<p style="text-align: right;">Page 132</p> <p>1 took you to the truck and you opened up test kits,</p> <p>2 they were sealed test kits. You had to cut a</p> <p>3 plastic thing to open the boxes; right?</p> <p>4 A Which boxes are you talking about?</p> <p>5 Q Every time I took an I-COVID test I had to</p> <p>6 un -- the boxes were sealed. They weren't opened</p> <p>7 unless you broke a plastic seal on each end.</p> <p>8 MR. LAVER: Gary, they are boxes</p> <p>9 inside boxes.</p> <p>10 THE WITNESS: I never said that I</p> <p>11 opened those orange and white boxes.</p> <p>12 BY MR. LIGHTMAN:</p> <p>13 Q Oh, okay. So you just saw the orange and</p> <p>14 white boxes?</p> <p>15 A I open the box and there are boxes.</p> <p>16 Q So you never opened the boxes; right?</p> <p>17 A Each box itself.</p> <p>18 Q Yeah.</p> <p>19 A No.</p> <p>20 Q Did you open one box of -- one orange and</p> <p>21 white box to see what was in it?</p> <p>22 A No.</p> <p>23 Q So the first time you did that was on either</p> <p>24 late February, as you told Dan and I, or March 4th</p>
<p style="text-align: right;">Page 131</p> <p>1 Movers and the reason you didn't call the police</p> <p>2 because you just made up the story about the test</p> <p>3 kits turning to rice?</p> <p>4 A This is -- this is your fantasy or --</p> <p>5 Q So you are saying what you testified here</p> <p>6 today about the test kits turning into rice is the</p> <p>7 truth, the whole truth and nothing but the truth so</p> <p>8 help you God?</p> <p>9 A It is.</p> <p>10 Q Who do you think took the test kits?</p> <p>11 A Until today, I don't know.</p> <p>12 Q When you opened the test kits to check, were</p> <p>13 they sealed?</p> <p>14 MR. LAVER: Objection to form.</p> <p>15 When?</p> <p>16 THE WITNESS: Yeah. When?</p> <p>17 BY MR. LIGHTMAN:</p> <p>18 Q You picked the test kits up. When you went to</p> <p>19 check them out on January 24th when --</p> <p>20 MR. LAVER: There we go.</p> <p>21 MR. HEALEY: You mean February 4?</p> <p>22 MR. LIGHTMAN: No.</p> <p>23 BY MR. LIGHTMAN:</p> <p>24 Q Back on January 24th, when Levon and Zadik</p>	<p style="text-align: right;">Page 133</p> <p>1 as you testified to today, that's the first time</p> <p>2 you actually opened up one of these orange and</p> <p>3 white boxes and discovered rice instead of a test</p> <p>4 kit; right?</p> <p>5 A In March.</p> <p>6 Q March 4th?</p> <p>7 A 4 or 5, I don't remember the date.</p> <p>8 Q But that's when you opened up one of these</p> <p>9 orange and white boxes and found rice instead of</p> <p>10 the test kits?</p> <p>11 A Not orange and white boxes. The big cartons</p> <p>12 of boxes now did not contain any more boxes of</p> <p>13 COVID tests. It contained one bag of rice in each.</p> <p>14 Q So there weren't individual boxes?</p> <p>15 A Yeah. There were like 365 boxes. Each one</p> <p>16 had one bag of rice of 20 pounds.</p> <p>17 MR. HEALEY: You mean a big box like</p> <p>18 shown in the truck was full of rice?</p> <p>19 THE WITNESS: Exactly. Not full of</p> <p>20 rice. There was a plastic bag in each --</p> <p>21 each box -- each those boxes that you see in</p> <p>22 the picture here is about this big about this</p> <p>23 tall about this wide. When you open it up,</p> <p>24 there is one bag of rice in each one.</p>

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<p>1 BY MR. LIGHTMAN:</p> <p>2 Q And did you ever get your hands on any test</p> <p>3 kits after that time?</p> <p>4 A After which time?</p> <p>5 Q March 4 or 5th, when you said you discovered</p> <p>6 that they had turned to rice?</p> <p>7 A I never -- I never put my hand on --</p> <p>8 Q Any boxes of test kits; right?</p> <p>9 A No.</p> <p>10 MR. LIGHTMAN: Do you have anything</p> <p>11 to ask on this subject before I end?</p> <p>12 MR. LAVER: I do.</p> <p>13 MR. LIGHTMAN: Do you want to ask</p> <p>14 some questions then?</p> <p>15 MR. LAVER: Please. Thank you.</p> <p>16 Before the test kit transaction that</p> <p>17 we are talking about today, how many deals did</p> <p>18 you complete with Sam Gross?</p> <p>19 MR. LIGHTMAN: Regarding test kits?</p> <p>20 MR. LAVER: Anything?</p> <p>21 THE WITNESS: Okay. So I remember</p> <p>22 the first deal. Can I tell you?</p> <p>23 MR. LAVER: Sure.</p> <p>24 THE WITNESS: The first deal was in</p>	<p>1 accent because I know him like close to 30</p> <p>2 years, so there is no accent really.</p> <p>3 MR. LAVER: How about the other guy?</p> <p>4 THE WITNESS: Levon.</p> <p>5 MR. LAVER: Levon. Thank you.</p> <p>6 THE WITNESS: Levon is a little bit</p> <p>7 shorter. I wouldn't say skinny. Also, about</p> <p>8 60 something and I don't know what else to</p> <p>9 tell about him.</p> <p>10 MR. LAVER: That's fine.</p> <p>11 THE WITNESS: I don't have a</p> <p>12 picture, so I don't know.</p> <p>13 MR. LAVER: But it's your testimony</p> <p>14 that they provided to you valid COVID test</p> <p>15 kits?</p> <p>16 THE WITNESS: Correct.</p> <p>17 MR. LAVER: Sometime during the time</p> <p>18 when those test kits were being stored in the</p> <p>19 storage warehouse those test kits went</p> <p>20 missing?</p> <p>21 THE WITNESS: Yes.</p> <p>22 MR. LAVER: Okay. Zadik and Levon</p> <p>23 are in the jewelry business as well?</p> <p>24 THE WITNESS: They used to be both</p>
Page 135	Page 137
<p>1 the diamond exchange at 578 5th Avenue where</p> <p>2 I used to have a store. That was the first</p> <p>3 deal when I met Sam Gross, that was the year</p> <p>4 between 2000 and 2001, 2002. I don't</p> <p>5 remember the year. But the first time I</p> <p>6 bought from him was a package of diamonds of</p> <p>7 about \$20,000. And thereafter, he would come</p> <p>8 like every day, every other day and show me</p> <p>9 merchandise. I would buy from him once a</p> <p>10 week at least.</p> <p>11 MR. LAVER: So dozens and dozens of</p> <p>12 deals over the years?</p> <p>13 THE WITNESS: Many.</p> <p>14 MR. LAVER: Okay. Okay. Were all</p> <p>15 of those deals exclusively in the jewelry</p> <p>16 industry?</p> <p>17 THE WITNESS: Correct.</p> <p>18 MR. LAVER: Can you describe Zadik</p> <p>19 for us? What's he look like?</p> <p>20 THE WITNESS: Zadik is like skinny</p> <p>21 guy. I would say 55 to 60.</p> <p>22 MR. LAVER: Does he have an accent?</p> <p>23 THE WITNESS: No, not really. I</p> <p>24 know that he's Turkish, but there is no</p>	<p>1 together. They shared -- they shared an</p> <p>2 office, a place of work, like they were like</p> <p>3 three, four guys there. One was a jeweler,</p> <p>4 one was a sitter, one was a polisher and they</p> <p>5 used to work there also making jewelry. And</p> <p>6 they used to be -- sometimes that I do</p> <p>7 business with give them some jewelry to make</p> <p>8 up. I would buy the components of making a</p> <p>9 ring, for example, the casting, then the</p> <p>10 diamonds and then I have to give the metal to</p> <p>11 be polished, cleaned before putting the gems</p> <p>12 in and then polishing, so it takes several</p> <p>13 people to make it up, and they were doing</p> <p>14 that. They were some of the people that I</p> <p>15 use at the time when I had the store in the</p> <p>16 diamond exchange.</p> <p>17 MR. LAVER: Did Levon and Zadik know</p> <p>18 that you had stored the COVID test kits at</p> <p>19 the warehouse?</p> <p>20 THE WITNESS: I don't believe so.</p> <p>21 MR. LAVER: Who knew that the test</p> <p>22 kits were being stored there?</p> <p>23 THE WITNESS: Well, obviously, me.</p> <p>24 MR. LAVER: Yep.</p>

35 (Pages 134 to 137)

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1 THE WITNESS: And I think that Sam,
 2 Mr. Mumfred. I don't know who else would be.
 3 **MR. LAVER:** Okay.
 4 THE WITNESS: Maybe the people
 5 working the deliveries part, you know, but I
 6 don't remember any other people. This is the
 7 only people -- I thought about this question
 8 many times.
 9 So it's basically the people that
 10 picked it up, me, Sam, Manfred. I had a crazy
 11 thought that Mr. Scully also knew about it,
 12 that he knew that it's stored someplace. At
 13 least maybe not in the beginning, but maybe
 14 on. So this is the people that I think that.
 15 BY MR. LIGHTMAN:
 16 Q Why do you think Scully knew? Why do you have
 17 this crazy thought?
 18 **A You know, I was trying to figure out really**
 19 **what happened. Until today, I do not -- I do not**
 20 **at this moment yet. And I was trying to figure out**
 21 **who knew and who might have been able to do that**
 22 **and there is a little group of people.**
 23 Q Why did you say you have a crazy thought about
 24 Dan Scully now?

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1 **A So you want the particular theory?**
 2 Q Tell me why.
 3 **A Because he knew that it's in a warehouse.**
 4 Q Did he know it was at Available Moving and
 5 Storage?
 6 **A Yeah. Yeah. Yeah.**
 7 Q Did he know that before March 4th?
 8 **A Because Scully got the info that it's going to**
 9 **the warehouse and he knew that it's going on a**
 10 **carrier and he knew the name.**
 11 **MR. LAVER:** Let me just finish real
 12 quick.
 13 THE WITNESS: So I'm sorry.
 14 **MR. LAVER:** You are doing fine.
 15 Thank you. And thanks for allowing me just
 16 to --
 17 THE WITNESS: I do not suspect
 18 Mr. Scully. Don't misunderstand me. I'm
 19 just saying who is --
 20 **MR. LIGHTMAN:** The universe of
 21 people.
 22 THE WITNESS: Who are the people.
 23 So okay. I'm sorry.
 24 **MR. LAVER:** You are doing fine. Who

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1 loaded the box, the boxes from the warehouse
 2 into the truck that you had.
 3 THE WITNESS: Three people that I
 4 brought in the same manner. The truck picked
 5 up. It was raining so they just about
 6 touched each other. And Available Movers had
 7 like two, three people also and I had three
 8 people.
 9 **MR. LAVER:** Did you lift any boxes?
 10 THE WITNESS: No. I was standing on
 11 the side.
 12 **MR. LAVER:** You supervised.
 13 THE WITNESS: Under a little awning.
 14 It was raining like cats and dogs. I
 15 remember that day very well. And they
 16 absolutely touched trucks back-to-back and
 17 they transferred everything to my truck.
 18 **MR. LAVER:** Box by box by hand.
 19 THE WITNESS: Yeah. Yeah.
 20 **MR. LAVER:** Box by box by hand you
 21 said? Yes.
 22 THE WITNESS: Yes.
 23 **MR. LAVER:** But you were able to
 24 visually inspect these boxes; correct?

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1 THE WITNESS: At what point?
 2 **MR. LAVER:** On March 4th, when you
 3 were --
 4 THE WITNESS: March 4th. They came
 5 with the truck. I came. They came. Right.
 6 It was in their warehouse in the big hub.
 7 **MR. LAVER:** You laid eyes on the
 8 boxes when they were in --
 9 THE WITNESS: Right. When they came
 10 --
 11 **MR. LAVER:** Just hear me out. Prior
 12 to swapping the boxes on to the truck that
 13 you brought that day, did you visually
 14 inspect the boxes?
 15 THE WITNESS: No.
 16 **MR. LAVER:** You didn't see them at
 17 all?
 18 THE WITNESS: I saw the boxes. I
 19 did not open the boxes.
 20 **MR. LAVER:** That's what I'm saying.
 21 You saw the outside of the boxes.
 22 THE WITNESS: Exactly.
 23 **MR. LAVER:** To the best of your
 24 understanding, those were the same boxes that

<p style="text-align: right;">Page 142</p> <p>1 you brought.</p> <p>2 THE WITNESS: Looked to be the same.</p> <p>3 MR. LAVER: They did?</p> <p>4 THE WITNESS: Yeah.</p> <p>5 MR. LAVER: Did they look</p> <p>6 undisturbed? Unopened?</p> <p>7 THE WITNESS: I didn't observe</p> <p>8 anything special really.</p> <p>9 MR. LAVER: Okay. Okay. That's all</p> <p>10 I have for now.</p> <p>11 MR. LIGHTMAN: Let me just finish</p> <p>12 this one.</p> <p>13 BY MR. LIGHTMAN:</p> <p>14 Q You said you called Sam. Did you tell Sam, my</p> <p>15 boxes that I had to deliver to your customers are</p> <p>16 now rice?</p> <p>17 A Yes.</p> <p>18 Q What did he say?</p> <p>19 A I don't remember what he said.</p> <p>20 Q Did he tell you, go make a police report?</p> <p>21 A I don't remember what I spoke to him on that</p> <p>22 regard.</p> <p>23 Q Did you make my --</p> <p>24 A Sam -- Sam, for me at that moment was a person</p>	<p style="text-align: right;">Page 144</p> <p>1 THE WITNESS: And the people are</p> <p>2 closing the truck, Available Movers, I'm</p> <p>3 still with my -- waiting there and I see them</p> <p>4 driving away. I'm going into my truck. I</p> <p>5 put on the radio. I'm looking. I'm waiting.</p> <p>6 The truck is there not moving from the end of</p> <p>7 the street. I thought in the beginning it is</p> <p>8 a stop sign, but that stop sign is going on</p> <p>9 for five minutes. I came to the guy and ask</p> <p>10 que pasa. That's exactly what I ask him</p> <p>11 because they were speaking Spanish. And he</p> <p>12 said, I need a bill of lading. I cannot</p> <p>13 continue without a bill of lading.</p> <p>14 MR. HEALEY: I understand that. I</p> <p>15 know what you said. What I'm saying is you</p> <p>16 eventually testified that they brought the</p> <p>17 boxes to their hub or to their storage --</p> <p>18 THE WITNESS: One second. At this</p> <p>19 point we are waiting for Sam to produce a</p> <p>20 bill of lading. Right. After an hour the</p> <p>21 driving is telling me, I spoke to my office.</p> <p>22 I cannot wait here any longer. When you have</p> <p>23 the bill of lading, you send it to my boss.</p> <p>24 He use the word my boss. I told Sam, you</p>
<p style="text-align: right;">Page 143</p> <p>1 with a question mark.</p> <p>2 Q Why?</p> <p>3 A So I knew somebody did it. I knew I didn't do</p> <p>4 it, so everybody now becomes a mystery and a</p> <p>5 suspect. What should I do now? So that -- the</p> <p>6 same thing -- the same thing past my mind with Sam.</p> <p>7 MR. HEALEY: I have one question.</p> <p>8 THE WITNESS: Yes, sir.</p> <p>9 MR. HEALEY: When you had the boxes</p> <p>10 delivered to the warehouse, did you get like</p> <p>11 any kind of document showing like a receipt</p> <p>12 like -- I don't know. I just brought my dry</p> <p>13 cleaning this morning and they gave me a tag.</p> <p>14 I'm not trying to be facetious. Something to</p> <p>15 indicate that you brought them in and they</p> <p>16 were being stored there?</p> <p>17 THE WITNESS: So, if you remember</p> <p>18 what I said, Available Movers came, backed up</p> <p>19 to my truck on the pickup day on</p> <p>20 February 7th about 9:00, 10:00. They backed</p> <p>21 up. They picked it up. My truck was empty.</p> <p>22 My driver's going away. He finished. He was</p> <p>23 waiting all night.</p> <p>24 MR. HEALEY: Okay.</p>	<p style="text-align: right;">Page 145</p> <p>1 have to send it to Available Movers because</p> <p>2 if not, they cannot continue. They need this</p> <p>3 document that is called. He said, okay.</p> <p>4 I'll give it to them.</p> <p>5 MR. HEALEY: They can't continue to</p> <p>6 deliver. They can't deliver the products</p> <p>7 without --</p> <p>8 BY MR. LIGHTMAN:</p> <p>9 Q But his question was -- first of all, you said</p> <p>10 it was your truck. It wasn't your truck. It was</p> <p>11 Levon and Zadik's truck; right?</p> <p>12 A No. Now it's my truck. It's my truck. They</p> <p>13 left. It's a sort of speech. The truck that I</p> <p>14 came with.</p> <p>15 Q So the truck that Levon and Zadik brought you</p> <p>16 the stuff --</p> <p>17 A Exactly.</p> <p>18 Q -- the driver is still there and he left?</p> <p>19 A Exactly. My truck. Not Available Movers'</p> <p>20 truck.</p> <p>21 Q When Available Movers got all the stuff on the</p> <p>22 truck his question was, why didn't you get any</p> <p>23 documents from them that says, I now have your</p> <p>24 365,000 boxes of I-kits? Why didn't you get a</p>

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<p style="text-align: right;">Page 146</p> <p>1 document?</p> <p>2 A I don't know if that guy didn't give me a</p> <p>3 piece of paper or whatever. I don't have it.</p> <p>4 Q I request that you produce that?</p> <p>5 A No. I can tell you right now, I don't have</p> <p>6 that.</p> <p>7 Q So you don't have it. You don't have in your</p> <p>8 possession a document from Available Movers that</p> <p>9 says, we have taken 365,790 boxes of I-test kits</p> <p>10 from Gary Weiss A. Solar Diamond; correct? You</p> <p>11 don't have the document?</p> <p>12 A I don't have the document, but we have</p> <p>13 e-mails, correspondence with Available Movers</p> <p>14 acknowledging that they picked up and he has it and</p> <p>15 bla bla bla. So I have a lot of e-mails.</p> <p>16 Q You got in your bag here?</p> <p>17 A I got it.</p> <p>18 Q Why don't we take a break, order lunch and</p> <p>19 let's look -- you were asked to produce documents</p> <p>20 today. You brought a bag of documents.</p> <p>21 A Maybe it's here.</p> <p>22 Q We will look through the documents.</p> <p>23 MR. LAVER: Before we break, I just</p> <p>24 want to clarify, and put a request on the</p>	<p style="text-align: right;">Page 148</p> <p>1 lunch break here.</p> <p>2 THE WITNESS: We tried to get in</p> <p>3 touch with them. I try the same that you</p> <p>4 tried. I tried.</p> <p>5 MR. LAVER: We are off the record.</p> <p>6 ---</p> <p>7 (Off the record from 12:27 until 12:37 p.m.)</p> <p>8 ---</p> <p>9 BY MR. LIGHTMAN:</p> <p>10 Q I want to go back to this picture.</p> <p>11 A I found those pictures.</p> <p>12 Q Let me see them?</p> <p>13 MR. LIGHTMAN: We have asked him to</p> <p>14 find the pictures of the compromising</p> <p>15 pictures of Daphna and you are showing me --</p> <p>16 BY MR. LIGHTMAN:</p> <p>17 Q What's the date of the picture?</p> <p>18 A Okay. You'll have my phone. Don't worry.</p> <p>19 Okay. This is Daphna. I never met, but this is</p> <p>20 her picture. This is not one of the gems that I</p> <p>21 gave but --</p> <p>22 MR. LAVER: How do you know?</p> <p>23 THE WITNESS: Because I don't know</p> <p>24 this gem.</p>
<p style="text-align: right;">Page 147</p> <p>1 record, too, please, that you provide us with</p> <p>2 the last name of Levon and Zadik.</p> <p>3 THE WITNESS: It won't happen.</p> <p>4 BY MR. LIGHTMAN:</p> <p>5 Q Why?</p> <p>6 A Because I don't know.</p> <p>7 Q How would you get in touch with them?</p> <p>8 A What do you mean how do I get?</p> <p>9 Q Today, if we wanted to get in touch with</p> <p>10 them --</p> <p>11 A I can't. I tried to. Did you see on my phone</p> <p>12 trying to call them?</p> <p>13 Q You call this phone number and they don't</p> <p>14 answer?</p> <p>15 A I don't even know if it's the phone number.</p> <p>16 Q Other than the phone number that you have for</p> <p>17 them in your phone is a number that matches this</p> <p>18 number on the --</p> <p>19 A Exactly.</p> <p>20 Q Other than calling that and hoping they call</p> <p>21 you back, is your testimony today you have no way</p> <p>22 of getting in touch with them?</p> <p>23 A No way.</p> <p>24 MR. LIGHTMAN: Let's take a little</p>	<p style="text-align: right;">Page 149</p> <p>1 MR. LIGHTMAN: Hold on. Let me take</p> <p>2 a picture of that.</p> <p>3 BY MR. LIGHTMAN:</p> <p>4 Q So the next picture. That was the picture</p> <p>5 that Sam Gross texted to you?</p> <p>6 A This is all from Sam. Okay. You can --</p> <p>7 MR. HEALEY: Is that pictures or is</p> <p>8 that a screen shot?</p> <p>9 THE WITNESS: I don't know. This is</p> <p>10 my phone here.</p> <p>11 MR. HEALEY: What I'm saying is, did</p> <p>12 he send you pictures or --</p> <p>13 THE WITNESS: He send me this</p> <p>14 pictures.</p> <p>15 MR. HEALEY: But when it says, plus</p> <p>16 11, is it 11 pictures or he just sent you --</p> <p>17 there is more pictures.</p> <p>18 BY MR. LIGHTMAN:</p> <p>19 Q Click on that 11. Just click and hold it.</p> <p>20 Now hold it. You will have to print them out.</p> <p>21 There is at least --</p> <p>22 MR. HEALEY: Wait one second.</p> <p>23 BY MR. LIGHTMAN:</p> <p>24 Q You will print all this out and send it to us?</p>

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No. 2:22-CV-0688 (JMY)

American Environmental Ent. v. Manfred Sternberg, Esq., et al.
Deposition of Gary Weiss

Friday
February 16, 2024

<p style="text-align: right;">Page 150</p> <p>1 A I open them already before so I know.</p> <p>2 Q You will print all of them out and send them</p> <p>3 to us. So let's go back to this --</p> <p>4 MR. HEALEY: One more thing, was</p> <p>5 that September 22, 2023 date, is that the</p> <p>6 date they were sent to you?</p> <p>7 THE WITNESS: They were sent to me.</p> <p>8 MR. HEALEY: So you don't know when</p> <p>9 they were taken?</p> <p>10 THE WITNESS: No.</p> <p>11 BY MR. LIGHTMAN:</p> <p>12 Q Go back to this picture. What does this</p> <p>13 picture show? This Manfred Exhibit-16? It shows</p> <p>14 your black SUV on the right.</p> <p>15 A This is what exhibit you say?</p> <p>16 Q Manfred Exhibit-16, this is marked as</p> <p>17 Deposition-16 in Sternberg's deposition.</p> <p>18 A Oh, okay. Who gave it to you, if I may ask?</p> <p>19 Q That's a good question.</p> <p>20 MR. HEALEY: It wasn't me.</p> <p>21 BY MR. LIGHTMAN:</p> <p>22 Q You produced it?</p> <p>23 A I have three, four more pictures.</p> <p>24 Q What is this a picture of?</p>	<p style="text-align: right;">Page 152</p> <p>1 Q I thought off the record you told us they put</p> <p>2 them in a thousand box lots?</p> <p>3 A Yes.</p> <p>4 Q Explain to me what you meant by that.</p> <p>5 A A thousand kits.</p> <p>6 Q Right.</p> <p>7 A Per box?</p> <p>8 Q Per box. And how many boxes? So you would</p> <p>9 have had 355 boxes of kits; right?</p> <p>10 A Yes.</p> <p>11 Q And when you opened each box, you said there</p> <p>12 was an 18 pound -- a bag when you got them out from</p> <p>13 Available Movers and Storage and opened the box,</p> <p>14 instead of being a thousand test kits in there,</p> <p>15 there was a bag of rice?</p> <p>16 A Correct.</p> <p>17 Q And the bag of rice weighed about 18 pounds,</p> <p>18 you said?</p> <p>19 A No. It was marked 20.</p> <p>20 Q So it was --</p> <p>21 A I think.</p> <p>22 Q -- a 20-pound bag of rice in each of these 365</p> <p>23 boxes?</p> <p>24 A Yeah.</p>
<p style="text-align: right;">Page 151</p> <p>1 A That's I'm waiting for Available Movers.</p> <p>2 Q So this is what you bought from Levon and</p> <p>3 Zadik; right?</p> <p>4 A Yes.</p> <p>5 Q Is this all the merchandise you bought from</p> <p>6 them?</p> <p>7 A Yeah.</p> <p>8 Q Why is the -- why did you put a jacket over</p> <p>9 the license plate?</p> <p>10 A I don't know. I just put it there. I don't</p> <p>11 know if it was a license plate there.</p> <p>12 Q Well, if there is no license plate anywhere</p> <p>13 else.</p> <p>14 A Nowhere. I don't think there was a license</p> <p>15 plate.</p> <p>16 Q So this is the truck that Levon and Zadik</p> <p>17 delivered to you and you are saying this is a</p> <p>18 picture of 365,790 boxes of test kits?</p> <p>19 A Correct.</p> <p>20 Q When you picked them up from -- well, how were</p> <p>21 these packaged? They are in Home Depot boxes.</p> <p>22 They are not in I-Health Kit boxes. Why are they</p> <p>23 in Home Depot boxes?</p> <p>24 A I don't know. Don't ask me.</p>	<p style="text-align: right;">Page 153</p> <p>1 Q And your testimony is you took all of these</p> <p>2 bags of rice and fit them in the back of this black</p> <p>3 SUV shown in this picture?</p> <p>4 A No. I put over 200 or 250 and I ask them to</p> <p>5 drop it in front of the school where they</p> <p>6 distribute the food to put it right there.</p> <p>7 Q So how many --</p> <p>8 A Two blocks away from there.</p> <p>9 Q I would like to show you what's been marked as</p> <p>10 Sternberg Deposition-15. This was marked as</p> <p>11 Manfred Sternberg Deposition-15. Do you recognize</p> <p>12 this as an e-mail exchange between you and Manfred?</p> <p>13 A I'm not sure I have WiFi. That's why it</p> <p>14 doesn't offer.</p> <p>15 Q We'll come back to that. Let's look at</p> <p>16 Manfred Sternberg-15. This is an e-mail exchange</p> <p>17 between you and Manfred regarding a declaration he</p> <p>18 wanted you to sign. Do you recognize that?</p> <p>19 A Yes.</p> <p>20 Q At the very bottom on April 4 you write to</p> <p>21 him, okay. I did pay for the merchandise with</p> <p>22 diamonds and jewelry. Do you see that?</p> <p>23 A Let me get -- this is small field for</p> <p>24 anything. Let me get a bigger feel. No. No. I</p>

39 (Pages 150 to 153)

<p style="text-align: right;">Page 154</p> <p>1 have another glass, you know. This has a small 2 field. This is bigger field. 3 Q Look at the very bottom e-mail from you to 4 Manfred dated April 4th? 5 A Okay. I did pay for the merchandise with 6 diamonds and jewelry. 7 Q They did switch the merchandise in that 8 morning of the pickup of the boxes; right? 9 A Yes. That's what I wrote. 10 Q So you told Manfred and -- you told Manfred in 11 your e-mail April 4th that they did switch the 12 merchandise in the morning of the pickup of the 13 boxes; correct? 14 A That's probably what I told, but -- I was not 15 sure. 16 Q The "they" was American -- Available Moving 17 and Storage; right? The "they," when you say they 18 did switch the merchandise, you are referring to 19 Available Moving and Storage? 20 A That's what I think. 21 Q But you never went back to Available Moving 22 and Storage and confronted them? 23 A No. 24 Q Why?</p>	<p style="text-align: right;">Page 156</p> <p>1 A No. Somebody in the warehouse, not they. I 2 never -- until today I don't have any judgment 3 about Available Movers. Okay. 4 Q You didn't tell the Court that's what happened 5 to the merchandise; right? In the case -- in this 6 case you didn't tell the Court, I picked up the 7 merchandise from Available Movers. I got to New 8 Jersey and someone switched it to rice, did you? 9 A When was I in the court? 10 Q Did you tell the Court the same story that you 11 are telling -- 12 A When was I in the court? Please? What date 13 are you talking about? 14 Q Let me rephrase the question. 15 A Okay. Good. Thank you. 16 Q Did you at any time represent to the Court, 17 did you or your attorney represent to the Court 18 that when I -- after I picked up the merchandise 19 from Available Moving and Storage and got back to 20 New Jersey, I discovered that my kits had been 21 switched to rice? 22 A I would have to check all the -- 23 Q What's your recollection? 24 A I don't remember. I have to go back in to the</p>
<p style="text-align: right;">Page 155</p> <p>1 A I didn't think they could answer me anything. 2 Q Well, what you wrote -- 3 A Nor did I want to give them a clue at this 4 point. 5 Q You never went back and questioned them, did 6 you? 7 A Questioned who? 8 Q You never went back to them and said, hey, you 9 switched my merchandise? 10 A I don't know if they switch. 11 Q But why did you write to Manfred, they did 12 switch the merchandise? 13 A Yeah. 14 Q So, if you told Manfred -- 15 A Who is they? Who is they? Who is they? 16 Q They did switch the merchandise when I went? 17 A Who is "they"? 18 Q They did switch the merchandise in that 19 morning of the pickup of the box? 20 A They. 21 Q Who is "they"? 22 A Somebody there in the warehouse. 23 Q So you thought somebody from Available Moving 24 and Storage switched the merchandise?</p>	<p style="text-align: right;">Page 157</p> <p>1 papers with all the filings -- 2 Q I'm going to short circuit this. 3 A Yeah. Yeah. That's okay. 4 MR. LIGHTMAN: Mark this as 5 Deposition Exhibit-7 is what we're up to? 6 THE WITNESS: We are not in the 7 trial yet. Just to remind you, Mr. Lightman, 8 the story will come out of the court. Don't 9 push it. Slowly we will get there. We will 10 get there. I understand you. You are okay. 11 As though I have to be telling the Court 12 anything there comes the trial, we will 13 discuss it. Okay. 14 BY MR. LIGHTMAN: 15 Q No. We will discuss it now. 16 A We will discuss it also now. We have 17 discussed it already. 18 MR. HEALEY: Mr. Weiss, I know I'm 19 not your attorney, but this is the 20 equivalent -- you took an oath. This is the 21 equivalent of a court proceeding, so you do 22 have to tell him the truth. 23 THE WITNESS: And I am doing that. 24 MR. HEALEY: I understand, but you</p>

40 (Pages 154 to 157)

<p style="text-align: right;">Page 158</p> <p>1 seem to think that -- I know you don't have</p> <p>2 to tell us now. You do.</p> <p>3 THE WITNESS: No. No. I am telling</p> <p>4 you now.</p> <p>5 MR. HEALEY: No. I understand, but</p> <p>6 it's not like --</p> <p>7 THE WITNESS: With all my respect to</p> <p>8 you, I am doing the opposite. I am telling</p> <p>9 everything now. Okay.</p> <p>10 MR. HEALEY: I understand. I'm just</p> <p>11 letting you know that's the rules, the way</p> <p>12 you are saying it is that it will come out at</p> <p>13 trial. He's asking you now.</p> <p>14 THE WITNESS: He means in court. I</p> <p>15 was not in trial yet. There is nothing --</p> <p>16 MR. LIGHTMAN: Both of you stop.</p> <p>17 Stop. Please let's proceed.</p> <p>18 (Twenty-one-page photocopy, front and</p> <p>19 back, of answer to first amended complaint</p> <p>20 marked GW-7, for identification.)</p> <p>21 BY MR. LIGHTMAN:</p> <p>22 Q Let me show you a document labeled GW-7. I</p> <p>23 will represent to you that this is the answer to</p> <p>24 the first amended complaint and the first line</p>	<p style="text-align: right;">Page 160</p> <p>1 September 12, there is a verification here; right,</p> <p>2 Mr. Weiss?</p> <p>3 A Okay.</p> <p>4 Q And that's your signature; right?</p> <p>5 A It says, I true to the best of my personal</p> <p>6 knowledge.</p> <p>7 Q And it says -- that's your signature; right?</p> <p>8 A And that's my signature.</p> <p>9 Q To the right of the date where it says,</p> <p>10 9/12/2023; right?</p> <p>11 A I think it's correct.</p> <p>12 Q And it says, you're verifying on behalf of</p> <p>13 yourself and A. Solar, LLC. How can you verify</p> <p>14 something on behalf of A. Solar, LLC when that does</p> <p>15 not exist?</p> <p>16 A Because that's how it's addressed.</p> <p>17 Q But you didn't --</p> <p>18 A No. No. No. No. No. This is how it's</p> <p>19 addressed. Then I answer on the address. I'm not</p> <p>20 verifying that it exists. The opposite. Through</p> <p>21 my lawyer, we denied that this entity is in</p> <p>22 business about the COVID tests.</p> <p>23 Q You didn't say, but it's not in business in</p> <p>24 the COVID test. You never formed A. Solar, LLC;</p>
<p style="text-align: right;">Page 159</p> <p>1 says, Gary Weiss, and A. Solar, LLC, answering</p> <p>2 defendants or Weiss defendants through their</p> <p>3 attorneys hereby filed this answer to plaintiff's</p> <p>4 first amended complaint.</p> <p>5 Do you see that?</p> <p>6 A I'm reading it. Sure.</p> <p>7 Q You already testified that when your attorney</p> <p>8 was filing pleadings she would send you the</p> <p>9 document. You'd look it over. If there was any</p> <p>10 corrections to be made, you'd correct it and,</p> <p>11 otherwise, you would tell her, go ahead and file</p> <p>12 it; right?</p> <p>13 A Yeah.</p> <p>14 Q Now, if you look at the first page of this --</p> <p>15 I'm sorry. If you go to page 25 of 42 of this</p> <p>16 pleading --</p> <p>17 A You want me to go where?</p> <p>18 Q Page 25 at the top see where it says 25 of 42?</p> <p>19 It starts at, facts supporting affirmative defenses</p> <p>20 and counterclaims paragraph 168. Go to 168. I'm</p> <p>21 sorry. Before we do that, go to page 32 of 42.</p> <p>22 Here. Give me this. I'll make it easy for you.</p> <p>23 On page 32 of 42 of this proceeding of this</p> <p>24 document which bears ECF document 105 filed</p>	<p style="text-align: right;">Page 161</p> <p>1 correct?</p> <p>2 A I never did.</p> <p>3 Q But you verify here, Gary Weiss on behalf of</p> <p>4 myself at A. Solar, LLC; right?</p> <p>5 A It's addressed to A. Solar, so here I'm</p> <p>6 addressing this complaint and to reference to what</p> <p>7 I am doing. Not confirming this particular</p> <p>8 company.</p> <p>9 Q Okay. But you say Gary Weiss verified that</p> <p>10 the statements made in the foregoing answer to</p> <p>11 plaintiff's amended complaint affirmative defenses</p> <p>12 and cross-claims are true; right?</p> <p>13 A To the best of my personal knowledge.</p> <p>14 Q Right. And you say I understand that this</p> <p>15 verification is made subject to the penalties of 18</p> <p>16 PACS Section 4904, relating to unsworn</p> <p>17 falsification to authorities. Do you see that?</p> <p>18 A I see.</p> <p>19 Q Let's now turn to page 25 of this verified</p> <p>20 pleading where you say everything in here is true.</p> <p>21 And there is a heading that says, facts supporting</p> <p>22 affirmative defenses and cross-claims. Do you see</p> <p>23 that?</p> <p>24 A Okay.</p>

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<p style="text-align: right;">Page 162</p> <p>1 Q Paragraph 171 or -- excuse me. On 169, you</p> <p>2 write, in or around January 2022 the Weiss</p> <p>3 defendants agreed to provide COVID-19 test kits to</p> <p>4 the Gross/Sternberg defendants. Do you see that?</p> <p>5 169?</p> <p>6 A I'm reading.</p> <p>7 Q Is that correct? Did I read it correctly,</p> <p>8 sir? In paragraph 169 you write --</p> <p>9 A I'm try to understand the paragraph.</p> <p>10 Q Quote, in or around January 2022 the Weiss</p> <p>11 defendants agreed to provide COVID-19 test kits to</p> <p>12 the Gross/Sternberg defendants, end quote. Did I</p> <p>13 read that correctly?</p> <p>14 A Yeah.</p> <p>15 Q And then you write in paragraph 171, at the</p> <p>16 direction of the Gross and Sternberg defendants the</p> <p>17 Weiss defendants were to make arrangements for the</p> <p>18 test kits to be transported directly to the end</p> <p>19 user; correct? That's what you write in paragraph</p> <p>20 171; correct?</p> <p>21 A At the direction of the Gross and Sternberg</p> <p>22 defendants were to make arrangements for the test</p> <p>23 kits to be transported directly to the end user.</p> <p>24 Q That's what you wrote?</p>	<p style="text-align: right;">Page 164</p> <p>1 A Yes.</p> <p>2 Q You provided them with other photographic</p> <p>3 evidence?</p> <p>4 A Yes.</p> <p>5 MR. LIGHTMAN: Mr. Laver, we haven't</p> <p>6 received those pictures. Please produce</p> <p>7 them. Mark that request.</p> <p>8 BY MR. LIGHTMAN:</p> <p>9 Q Then you write, thereupon -- in number 173 you</p> <p>10 wrote, thereafter on information and belief, the</p> <p>11 Sternberg -- the Gross and Sternberg defendants</p> <p>12 provided a partial payment for the test kits to the</p> <p>13 Weiss defendants via electronic wire; correct?</p> <p>14 A Correct.</p> <p>15 Q That's referring to a wire that occurred on or</p> <p>16 about February 7th; right?</p> <p>17 A That's what it says.</p> <p>18 Q What partial payment are you referring to? Is</p> <p>19 that the \$219,000 deposit? That was made</p> <p>20 February 1st; right?</p> <p>21 A Okay. Okay. I don't want to get confused,</p> <p>22 sir. Let me think a little bit and you will get</p> <p>23 exactly.</p> <p>24 Q I will even make it easy.</p>
<p style="text-align: right;">Page 163</p> <p>1 A Which I did.</p> <p>2 Q You claim that's true; right?</p> <p>3 A I did, yeah.</p> <p>4 Q So the Sternberg defendants were part of the</p> <p>5 direction that you received. You received</p> <p>6 direction from the Gross and Sternberg defendants;</p> <p>7 correct? That's what you wrote in here; right?</p> <p>8 A I didn't write it.</p> <p>9 Q That's what is written in here; correct?</p> <p>10 A That's what is written.</p> <p>11 Q And you verified as true; correct?</p> <p>12 A I may not have understood exactly what it is,</p> <p>13 but I do not deny that this was how it's written</p> <p>14 and I do not deny that I signed it.</p> <p>15 Q And then on paragraph 172 you write, on</p> <p>16 February 7, 2022, the Weiss defendants provided</p> <p>17 photograph evidence of the test kits on the</p> <p>18 transport vehicle to the Gross and Sternberg</p> <p>19 defendants. Do you see that?</p> <p>20 A Correct.</p> <p>21 Q Would that be a reference to this picture</p> <p>22 that's marked as Sternberg-16?</p> <p>23 A One of them, yes.</p> <p>24 Q So this is one of the pictures?</p>	<p style="text-align: right;">Page 165</p> <p>1 A I don't need it. I don't need it. Mr.</p> <p>2 Lightman, I don't need it.</p> <p>3 Q We are going to make it easy.</p> <p>4 A You can produce it later when you want to</p> <p>5 catch me. Okay. One second. Let me go to the</p> <p>6 payments. I know it by heart. 219 was done on</p> <p>7 February 1st. Right.</p> <p>8 Q Right.</p> <p>9 A Now we are talking about February 7 that means</p> <p>10 the balance, supposedly the balance. However,</p> <p>11 Zekaria did not send me the balance. She sent only</p> <p>12 1.2 million, so there is balance. That's why it</p> <p>13 says partial.</p> <p>14 Q I would like to show you -- stop right there.</p> <p>15 I would like to show you what's been marked as</p> <p>16 Sternberg Deposition Exhibit-22. That's your</p> <p>17 handwriting; correct?</p> <p>18 A Correct.</p> <p>19 Q That's a list of the payments that you claim</p> <p>20 you received from Daphna Zekaria; correct?</p> <p>21 A Correct.</p> <p>22 Q Are these all the payments that Daphna Zekaria</p> <p>23 made to you in connection with the test kits?</p> <p>24 A Yes, sir.</p>

42 (Pages 162 to 165)

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1 Q These four payments. February 1, February 7,
2 February 15, February 28; correct?
3 **A Yes, sir.**
4 Q She made no other wire transfers, other
5 payments other than these four payments; correct?
6 **A No. No.**
7 Q No, that's correct?
8 **A No other payments. Yes, it is correct.**
9 Q So the partial payment you are referring to in
10 paragraph 173 of your answer Gary Weiss-7, refers
11 to the \$1,246,906 payment that Daphna wired to you
12 on February 7th; correct?
13 **A Correct.**
14 Q Then you write in paragraph 174, thereafter,
15 the transport vehicle left its location around
16 eleven o'clock a.m.; right? 174?
17 **A 174.**
18 Q Right? The transport vehicle left its
19 location at 11:00 a.m. That's the place in the
20 park in Elizabeth, New Jersey where your people --
21 **A No. No. No. Wait. Wait. Wait. Please.**
22 **On -- on February 7th Available Movers are picking**
23 **up the merchandise.**
24 Q From the --

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1 Q So it was on Urbinovich Street?
2 **A Urbinovich, yeah.**
3 Q And that was -- is this picture?
4 **A On Urbinovich Street.**
5 Q So Manfred Exhibit-17 is a picture of the
6 truck on Urbinovich Street?
7 **A On Urbinovich Street.**
8 Q And this is before this was loaded from the
9 truck that Levon and Zadik delivered to you on to
10 the Available Movers truck; right?
11 **A This is -- yes. The merchandise that came**
12 **from Levon and Zadik.**
13 Q So this picture, Manfred Sternberg-16, is on
14 Urbanovich Street; right?
15 **A Right.**
16 Q And when you refer to the transport vehicle
17 left its location around 11:00 a.m. It left this
18 location where the picture was taken; right?
19 **A Yeah. But not with this truck.**
20 Q Right. There was another truck that backed up
21 to it. You loaded all the goods and you left
22 around 11:00 a.m.?
23 **A Right.**
24 Q Then you write, shortly after -- in 175,

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1 **A No park. No park here.**
2 Q Where is the street that they parked it?
3 **A Urbinovich Street.**
4 Q Spell that, please.
5 **A Oh, that's a tough one.**
6 Q O-r-b-i-n-o-v-i-c-h?
7 **A Starts with U. U-R.**
8 Q Urbinovich Street. We'll figure it out later.
9 The phonetic spelling is U-r-b-i-n-o-v-i-c-h,
10 Urbinovich?
11 **A Something like that, yes.**
12 Q So that's where Levon and Zadik delivered the
13 truck with the test kits to you?
14 **A No. No.**
15 Q That's where you slept that night?
16 **A No.**
17 Q Where did they deliver the kits to you?
18 **A They delivered it -- they delivered it on**
19 **another street and we moved from there to this**
20 **street because of the space that --**
21 Q So they delivered it to you at the park and
22 then you moved it to Urbinovich Street?
23 **A We moved to Urbinovich where we can park and**
24 **another truck can come.**

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1 shortly after the transport vehicle left its
2 location the transport company advised that it
3 required a bill of lading in order to complete the
4 transfer?
5 **A Correct.**
6 Q That's Available Movers is the transport
7 company; right?
8 **A Correct.**
9 Q And they are telling you we need bills of
10 lading for each of these deliveries; right?
11 **A Correct.**
12 Q And then turn to the next page, 176, the
13 transport company requested from the Weiss
14 defendants a bill of lading for each destination;
15 correct?
16 **A Yes.**
17 Q So on February 7th you did not have any bill
18 of lading; correct?
19 **A No.**
20 Q And Available Movers didn't have any bill of
21 lading; correct?
22 **A Correct.**
23 Q And neither Sam Gross nor the Sternberg
24 defendants gave you a bill of lading; correct?

<p style="text-align: right;">Page 170</p> <p>1 A Correct.</p> <p>2 Q You wrote, in 177, quote, the Weiss defendants</p> <p>3 did not have the requests bill of lading, nor did</p> <p>4 they have the requisite information to complete a</p> <p>5 bill of lading, end quote; right?</p> <p>6 A Correct.</p> <p>7 Q And then you wrote, the Weiss defendants</p> <p>8 accordingly requested a bill of lading from</p> <p>9 third-party plaintiffs and the Sternberg</p> <p>10 defendants; right?</p> <p>11 A Correct.</p> <p>12 Q And the third-party plaintiffs are Gross and</p> <p>13 his company CHG; right?</p> <p>14 A Right.</p> <p>15 Q So number 179, as neither the Gross nor</p> <p>16 Sternberg defendants provided a bill of lading the</p> <p>17 transport company, Available Movers, transported</p> <p>18 the test kits to its own storage facility to hold</p> <p>19 them there until such time as a bill of lading</p> <p>20 could be procured. Do you see that?</p> <p>21 A Yes, sir.</p> <p>22 Q And then this is February 7th; right?</p> <p>23 A 7.</p> <p>24 Q So then paragraph 180 you write, over the</p>	<p style="text-align: right;">Page 172</p> <p>1 A I will make a correction. They are one for me</p> <p>2 in my eyes.</p> <p>3 Q I hear what you are saying.</p> <p>4 A Thank you.</p> <p>5 Q So after approximately two weeks, that's two</p> <p>6 weeks from February 7th; right?</p> <p>7 A Correct, sir.</p> <p>8 Q So it would be approximately February 21st the</p> <p>9 transport company notified the Weiss defendants</p> <p>10 that the test kits needed to be treated as it would</p> <p>11 no longer store them at its facility; correct?</p> <p>12 A Correct.</p> <p>13 Q I thought you said they agreed to store them</p> <p>14 for like \$350 a day?</p> <p>15 A Yeah.</p> <p>16 Q But here you are saying, Available Moving is</p> <p>17 telling you they don't want to store them any</p> <p>18 longer; right?</p> <p>19 A No. They don't want any longer, no.</p> <p>20 Q So they didn't say, we'll keep them there for</p> <p>21 \$350 a day; right?</p> <p>22 A They said already before.</p> <p>23 Q But now they are telling you around</p> <p>24 February 21st get them out of there; right?</p>
<p style="text-align: right;">Page 171</p> <p>1 course of the next few weeks, the Weiss defendants</p> <p>2 repeatedly requested bill of -- the bill of lading</p> <p>3 and requisite details from the Gross and the</p> <p>4 Sternberg defendants; right?</p> <p>5 A Correct.</p> <p>6 Q So you are making a request not only to Sam</p> <p>7 Gross, but to Sternberg. Give me a bill of lading;</p> <p>8 correct?</p> <p>9 A That's his lawyer.</p> <p>10 Q So the answer is yes?</p> <p>11 A So both of them through Sam, yes.</p> <p>12 MR. LAVER: What was the last part</p> <p>13 of what you just said?</p> <p>14 THE WITNESS: Through Sam.</p> <p>15 BY MR. LIGHTMAN:</p> <p>16 Q You never spoke with Sam Sternberg directly?</p> <p>17 A No.</p> <p>18 Q Then why did you say Gross and Sternberg</p> <p>19 defendants?</p> <p>20 A Because they are one.</p> <p>21 Q They are one. Okay.</p> <p>22 A It's his lawyer.</p> <p>23 Q 181, after approximately two weeks, so from</p> <p>24 February 7th now it would be February 21st; right?</p>	<p style="text-align: right;">Page 173</p> <p>1 A Yeah. Get them out.</p> <p>2 Q 182, you write in this verified answer, the</p> <p>3 facts to support your defense, quote, still having</p> <p>4 not received the bill of lading, the Weiss</p> <p>5 defendants made arrangements to retrieve the test</p> <p>6 kits from the transport facility, correct, in 182?</p> <p>7 A Correct.</p> <p>8 Q So that's when you went to the park and hired</p> <p>9 these three guys and they got this --</p> <p>10 A No. No.</p> <p>11 Q What arrangements are you talking about? I</p> <p>12 made arrangements to retrieve them?</p> <p>13 A The arrangements were made in the beginning of</p> <p>14 March.</p> <p>15 Q When it says, the Weiss defendants made</p> <p>16 arrangements to retrieve the test kits from the</p> <p>17 transport facility. Do you see that?</p> <p>18 A Which part?</p> <p>19 Q 182.</p> <p>20 A Okay.</p> <p>21 Q It says, you said you made arrangements to</p> <p>22 retrieve the test kits; right?</p> <p>23 A I did.</p> <p>24 Q The arrangements you made were to go to the</p>

<p style="text-align: right;">Page 174</p> <p>1 park, hire three movers, get a truck?</p> <p>2 A No.</p> <p>3 Q What arrangements did you make?</p> <p>4 A No. You are on 182?</p> <p>5 Q 182 you said you made arrangements to retrieve</p> <p>6 the test kits. What arrangements are you talking</p> <p>7 about?</p> <p>8 A Listen, still not receive the bill of lading,</p> <p>9 the Weiss defendants made arrangements to retrieve.</p> <p>10 They made the arrangements in the beginning of</p> <p>11 March.</p> <p>12 Q What arrangements? I didn't say when. You</p> <p>13 said, we made arrangements. I want to know what</p> <p>14 arrangements did you make?</p> <p>15 A I have to go and pick up the boxes with the</p> <p>16 COVID test kits.</p> <p>17 Q Right. So that --</p> <p>18 A From Available Movers.</p> <p>19 Q So the arrangements you are talking about is</p> <p>20 going to the park, getting three guys in a truck?</p> <p>21 A Not in the park. I said, it's Elizabeth</p> <p>22 Avenue. Please.</p> <p>23 Q I apologize. The arrangements you are talking</p> <p>24 about are you went to the street in Elizabeth where</p>	<p style="text-align: right;">Page 176</p> <p>1 to the Court, to me and my client, to Seth and his</p> <p>2 client, that the test kits when you got there to</p> <p>3 get them, were no longer on the truck; correct?</p> <p>4 That's what this said; correct?</p> <p>5 A It's a mistake.</p> <p>6 Q That's what this says; correct?</p> <p>7 A It is -- can be interpreted like this, but I</p> <p>8 interpreted it wrong and did not correct the</p> <p>9 lawyer's writing, but that's not what I meant.</p> <p>10 Q What you wrote and what you submitted to the</p> <p>11 Court was that when you got to Available Movers --</p> <p>12 A Correct.</p> <p>13 Q -- the defendants learned that -- please. You</p> <p>14 didn't write, I took the test kits and they turned</p> <p>15 to rice; right? Right?</p> <p>16 A Made a mistake. I made a mistake.</p> <p>17 Q You wrote, the Weiss defendants learned the</p> <p>18 test kits were no longer on the truck. Do you see</p> <p>19 that?</p> <p>20 A Okay. Yes. Yes. Yes.</p> <p>21 Q And then you wrote, upon learning of the</p> <p>22 foregoing you -- quote. 184. Upon learning of --</p> <p>23 upon learning the foregoing the Weiss defendants</p> <p>24 offered to provide a full refund to the Gross</p>
<p style="text-align: right;">Page 175</p> <p>1 these --</p> <p>2 A That was on March 4th.</p> <p>3 Q Please. I'm not asking you when they made.</p> <p>4 I'm asking you what arrangements. That's when you</p> <p>5 went?</p> <p>6 A That's the arrangement.</p> <p>7 Q Hired the three people and one of them got a</p> <p>8 truck for you; right?</p> <p>9 A Right.</p> <p>10 Q Then you write, 183, quote, upon arrival at</p> <p>11 the transport facility -- that's when you went to</p> <p>12 Available Movers; right? Right? Upon arrival at</p> <p>13 the transport facility, that's when you got to --</p> <p>14 arrive at Available Movers; right? That's what 183</p> <p>15 starts out?</p> <p>16 A Uh-hum. Yes.</p> <p>17 Q So upon arrival at the transport facility,</p> <p>18 meaning AMS, the Weiss defendants learned that the</p> <p>19 test kits were no longer on the truck and they</p> <p>20 could not be located; correct?</p> <p>21 A Correct.</p> <p>22 Q So in this pleading that you filed in court on</p> <p>23 September 12th, verified subject to the penalties</p> <p>24 for unsworn verification, you told -- represented</p>	<p style="text-align: right;">Page 177</p> <p>1 defendants. Do you see that?</p> <p>2 A Yes.</p> <p>3 Q And then you write, a true and correct copy of</p> <p>4 e-mailed correspondence dated March 1, 2022,</p> <p>5 offering a refund is attached hereto and marked as</p> <p>6 Exhibit-3. Do you see that?</p> <p>7 A Yeah.</p> <p>8 Q So you didn't go pick up the trucks on</p> <p>9 March 4th, as you testified to earlier; right? You</p> <p>10 did it before March 1st?</p> <p>11 A No.</p> <p>12 Q You say in 184 you offered -- you sent him</p> <p>13 and -- when you learned that the trucks were no</p> <p>14 longer there, according to this pleading --</p> <p>15 A No. No. No.</p> <p>16 Q Excuse me. I'll start over. According to the</p> <p>17 pleading you filed in court, when you arrived at</p> <p>18 the AMS facility and learned that the test kits</p> <p>19 were no longer on the truck and couldn't be</p> <p>20 located, that's -- upon learning that, you offered</p> <p>21 to provide a full refund to the Gross defendants.</p> <p>22 That's what you wrote in this pleading that you</p> <p>23 verified and filed in the court; correct? That's</p> <p>24 what you wrote in this pleading; right?</p>

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<p style="text-align: right;">Page 178</p> <p>1 A Upon arrival.</p> <p>2 Q Upon arrival at the facility?</p> <p>3 A I did not check anything at the facility.</p> <p>4 Q You claimed earlier you took the test kits</p> <p>5 away; right?</p> <p>6 A I took the boxes away.</p> <p>7 Q But here you didn't say that; right? You</p> <p>8 didn't say in this pleading --</p> <p>9 A It's not -- it's not expanded enough detail to</p> <p>10 say that I took the boxes and then when I open them</p> <p>11 up, which happened already in a different place,</p> <p>12 and not at the hub, that's when I discovered. So</p> <p>13 here it has to be corrected to be in more details</p> <p>14 where and what happened exactly. So upon arrival</p> <p>15 that day that I arrived, wherever it was that the</p> <p>16 4th or the 5th of March, at that day on the</p> <p>17 arrival, after I took the boxes and put them on the</p> <p>18 truck that I brought and took them away and drove</p> <p>19 it away back to Elizabeth, and then when I started</p> <p>20 to examine the boxes, then I discovered that they</p> <p>21 have rice in them.</p> <p>22 Q None of what you just said is put in this</p> <p>23 document; right? Correct? Isn't it true, Mr.</p> <p>24 Weiss?</p>	<p style="text-align: right;">Page 180</p> <p>1 A Where is March 1st I see offer them.</p> <p>2 Q Paragraph 184. That's what it says, right, on</p> <p>3 March 1st?</p> <p>4 A Maybe there is some mistakes here. Let's find</p> <p>5 out. Where is March 1st?</p> <p>6 Q Look at Exhibit-3?</p> <p>7 A Where is it?</p> <p>8 Q Exhibit-3, turn to the next page.</p> <p>9 A Okay. Okay.</p> <p>10 Q On March 1, you write, if you like a refund,</p> <p>11 you have no questions asked. Do you see that?</p> <p>12 A Okay.</p> <p>13 Q And you underlined the word refund in green?</p> <p>14 A Yeah.</p> <p>15 Q Right?</p> <p>16 A Yeah.</p> <p>17 Q So on March 1 you were offering a refund?</p> <p>18 A Right.</p> <p>19 Q So go back to paragraph 184.</p> <p>20 A Let me read. Of course. As I said many times</p> <p>21 before, if you like a refund, you have no questions</p> <p>22 asked.</p> <p>23 Q That's what your March 1st e-mail to Manfred</p> <p>24 and Sam says; right?</p>
<p style="text-align: right;">Page 179</p> <p>1 A It's not here.</p> <p>2 Q It's not here?</p> <p>3 A Okay.</p> <p>4 Q Let's --</p> <p>5 A But that's what happened.</p> <p>6 Q Let's go through what you did say. You claim</p> <p>7 several times under oath that it was March 4 that</p> <p>8 you went to pick up --</p> <p>9 A No. I don't remember March 4th or 5th or 6th</p> <p>10 but --</p> <p>11 Q Somewhere after March 1st?</p> <p>12 A After -- after March 4th.</p> <p>13 Q On or after March 4th is when you say you went</p> <p>14 to AMS?</p> <p>15 A After March 4th, but it can be a few days</p> <p>16 after that. I just remember.</p> <p>17 Q It is not earlier than March 4th; right?</p> <p>18 A No.</p> <p>19 Q No, that's correct? That's correct; right?</p> <p>20 It's not earlier than March 4th; correct?</p> <p>21 A I think so. I'm not sure.</p> <p>22 Q If you went on March 4th or 5th or 6th to get</p> <p>23 the vehicles, how could you offer a refund to the</p> <p>24 Gross defendants on March 1st?</p>	<p style="text-align: right;">Page 181</p> <p>1 A Right.</p> <p>2 Q But go back to -- go back to --</p> <p>3 A Right. So I read it.</p> <p>4 Q 184. Excuse me. 184 says, after you learned</p> <p>5 that the test kits were no longer on the truck and</p> <p>6 could not be located, upon learning that, then you</p> <p>7 offered to provide a full refund to the Gross</p> <p>8 defendants, a true and correct copy of e-mail</p> <p>9 correspondence dated March 1, 2022, offering a</p> <p>10 refund is attached and marked as Exhibit-3; right?</p> <p>11 A Okay.</p> <p>12 Q Your pleading that you filed in the court --</p> <p>13 A No. That's --</p> <p>14 Q Please let me finish my question. When you</p> <p>15 filed this pleading on September 12, you</p> <p>16 represented to the Court and to the plaintiff and</p> <p>17 to me and to Seth and his client and to Zekaria</p> <p>18 and --</p> <p>19 MR. HEALEY: Maybe not.</p> <p>20 MR. LIGHTMAN: What?</p> <p>21 MR. HEALEY: Maybe not. I don't</p> <p>22 know.</p> <p>23 BY MR. LIGHTMAN:</p> <p>24 Q I don't know if you are in or not. But the</p>

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<p style="text-align: right;">Page 182</p> <p>1 people who are in a case, you represented to them</p> <p>2 when you got to AMS the product couldn't be located</p> <p>3 and upon learning that, that's when you offered a</p> <p>4 refund and you attached your March 1st e-mail as</p> <p>5 proof of that, right, according to this pleading</p> <p>6 that you filed; right?</p> <p>7 A No. No.</p> <p>8 Q What?</p> <p>9 A No.</p> <p>10 Q Where it says that in this pleading; correct?</p> <p>11 A No, it doesn't.</p> <p>12 Q It says, you arrived -- 183, you arrived at</p> <p>13 the transport facility, AMS; right? It says, you</p> <p>14 learned that test kits were no longer on the truck.</p> <p>15 That's what this says; right? Right, Mr. Weiss?</p> <p>16 A This is not what I meant.</p> <p>17 Q You can explain it --</p> <p>18 A No. No. No. No. Of course.</p> <p>19 Q It says, you arrived at the AMS facility in</p> <p>20 paragraph 183; right? Upon arriving at the</p> <p>21 transport center, it says, you learned the test</p> <p>22 kits were no longer in the truck; correct?</p> <p>23 A It's the wrong --</p> <p>24 Q It says that; correct?</p>	<p style="text-align: right;">Page 184</p> <p>1 A Absolutely.</p> <p>2 Q So the version set forth in this pleading, 105</p> <p>3 filed, September 12th is false; correct?</p> <p>4 A No, it's not. It's a mistake.</p> <p>5 Q It's not true; correct?</p> <p>6 A It's a mistake.</p> <p>7 Q You could call it a mistake --</p> <p>8 A It's mistake.</p> <p>9 Q Mr. Weiss, what you wrote in here is not true;</p> <p>10 right?</p> <p>11 A It's a mistake.</p> <p>12 Q Mr. Weiss, what you wrote in here is not true;</p> <p>13 correct?</p> <p>14 A I did not read it, interpret it correctly and</p> <p>15 put it in the right context of timing.</p> <p>16 Q So when you verified this --</p> <p>17 A It's mistake.</p> <p>18 Q -- when you executed -- excuse me. Excuse me.</p> <p>19 When you wrote at the end of this pleading, when</p> <p>20 your verification you signed that says I, Gary</p> <p>21 Weiss, hereby verify the statements made in the</p> <p>22 foregoing answer, affirmative defense are true,</p> <p>23 that is not correct, is it? These statements that</p> <p>24 you verified as true are not true?</p>
<p style="text-align: right;">Page 183</p> <p>1 A Yes, it does.</p> <p>2 Q It says, they could not be located; correct?</p> <p>3 A Yes.</p> <p>4 Q It says, upon learning that, you offered a</p> <p>5 full refund; correct?</p> <p>6 A Yes.</p> <p>7 Q It says, a copy of my correspondence dated</p> <p>8 March 1 offering a refund is attached as Exhibit-3;</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q So how could you notify them on March 1st,</p> <p>12 when you didn't -- by your own testimony you didn't</p> <p>13 get there until March 4?</p> <p>14 A Okay.</p> <p>15 Q That's not possible, is it?</p> <p>16 A No.</p> <p>17 Q Let's go to the next page?</p> <p>18 A Absolutely not.</p> <p>19 Q Wait a minute. Ready?</p> <p>20 A This is a mistake.</p> <p>21 Q There is mistake after mistake after mistake,</p> <p>22 according to your testimony. This version that you</p> <p>23 filed in court verified is different than the</p> <p>24 version you testified to; correct?</p>	<p style="text-align: right;">Page 185</p> <p>1 A It's not correct. This is not correct.</p> <p>2 Q It's not correct. And let's continue. Let's</p> <p>3 continue. Go back to 18 -- go back to the bottom</p> <p>4 of 185. After you said I want a refund in 185, you</p> <p>5 wrote the Weiss defendants were notified by the</p> <p>6 Gross defendants that they would not accept a</p> <p>7 refund; right?</p> <p>8 A Right.</p> <p>9 Q Instead, if you go to 186, the Gross</p> <p>10 defendants requested collateral from the Weiss</p> <p>11 defendants; right? Right?</p> <p>12 A 186 says the Gross defendants requested</p> <p>13 collateral from the Weiss defendants.</p> <p>14 Q And you say -- go down to 191, on or around</p> <p>15 March 1 when it appeared that the test kits were</p> <p>16 irretrievably lost.</p> <p>17 A Again, it's wrong date.</p> <p>18 Q Excuse me. It says here, on or about March 1</p> <p>19 when it appeared the test kits were irretrievably</p> <p>20 lost; correct? That's what it says; right?</p> <p>21 A That's what it says.</p> <p>22 Q And that's what you verified, so it was true</p> <p>23 to the best of your knowledge subject to penalties;</p> <p>24 right?</p>

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<p style="text-align: right;">Page 186</p> <p>1 A Correct.</p> <p>2 Q And in here you are claiming now that the</p> <p>3 March 1 date is a mistake -- it's not correct?</p> <p>4 It's false?</p> <p>5 A It's a mistake.</p> <p>6 Q But it also says, it appeared the test kits</p> <p>7 were irretrievably lost. Is that a mistake as</p> <p>8 well?</p> <p>9 A It's a mistake.</p> <p>10 Q That's not true, is it, what you wrote in</p> <p>11 here; right?</p> <p>12 A Well, I did not read it correctly when it</p> <p>13 represented to me.</p> <p>14 Q But you verified it as correct?</p> <p>15 A No. I did not verify it.</p> <p>16 Q You verified that the statements made in the</p> <p>17 foregoing are true and correct subject to penalties</p> <p>18 for unsworn falsification?</p> <p>19 A I said, to the best of my knowledge, I guess I</p> <p>20 did not. I am sure I did not read carefully the</p> <p>21 wording to correct it.</p> <p>22 Q So on version number one, what you wrote to</p> <p>23 the Court and represented to us on September 12,</p> <p>24 your story that you put in court was you got to the</p>	<p style="text-align: right;">Page 188</p> <p>1 A It's not worded correctly.</p> <p>2 Q That's the version you said in September?</p> <p>3 A Okay. It is. It is.</p> <p>4 Q And then you read it here, the version you</p> <p>5 wrote in court is that on March 1 it appeared the</p> <p>6 test kits were irretrievably lost; right? That's</p> <p>7 what you wrote?</p> <p>8 A If that's what it says, I verbally did not</p> <p>9 read it correctly.</p> <p>10 Q And isn't it true nowhere in this pleading do</p> <p>11 you mention the word rice?</p> <p>12 A No.</p> <p>13 MR. LIGHTMAN: It's a good time for</p> <p>14 a break. Let's break for lunch.</p> <p>15 ---</p> <p>16 (Recess taken from 1:19 until 1:51 p.m.)</p> <p>17 ---</p> <p>18 BY MR. LIGHTMAN:</p> <p>19 Q So let's go back to look at this document</p> <p>20 right here. Sternberg-22. That's a list that you</p> <p>21 prepared and sent me that shows the four payments</p> <p>22 you got there; right?</p> <p>23 A Correct.</p> <p>24 Q I'd like to show you a series of three</p>
<p style="text-align: right;">Page 187</p> <p>1 facility and the test kits were gone; right?</p> <p>2 A No.</p> <p>3 Q That's what you wrote in here; right?</p> <p>4 A No. It's not written correctly.</p> <p>5 Q Stop. Whether or not the dates correct --</p> <p>6 whether or not that date is correct -- forget the</p> <p>7 dates for a second, because it's inconsistent</p> <p>8 there. But the story that you put in this pleading</p> <p>9 is I went to pick up the test kits and they were</p> <p>10 gone. That's what you wrote in here; right?</p> <p>11 A Not at that -- I did not find out that it's at</p> <p>12 the facility that it was lost. I found out when I</p> <p>13 took it away from there and took it to the park,</p> <p>14 which I told you, and then I wanted to repack and</p> <p>15 redive to where it's going at.</p> <p>16 Q That's the version you gave here this morning?</p> <p>17 A That's the version I am giving you right now.</p> <p>18 Yes.</p> <p>19 Q But the version you gave in court on</p> <p>20 September 12th was you did not even pick them up</p> <p>21 because when you went to pick them up, they were --</p> <p>22 the test kits were no longer in the truck and they</p> <p>23 couldn't be located. That's the version you said</p> <p>24 in September; right?</p>	<p style="text-align: right;">Page 189</p> <p>1 documents. This is Sternberg-17 and 17A. That's</p> <p>2 17. Here is 17A. You have 17A; right?</p> <p>3 A This is 17.</p> <p>4 Q Right. Here is 17A. And then a new page I'm</p> <p>5 going to call this -- label this Gary Weiss -- I</p> <p>6 want you to label this 17B.</p> <p>7 (One-page list of wire transfers</p> <p>8 marked GW-17B, for identification.)</p> <p>9 BY MR. LIGHTMAN:</p> <p>10 Q So on 17, the first line on 17 is The Safety</p> <p>11 House on January 21, 2022, made a wire \$1,965,600</p> <p>12 to Manfred.</p> <p>13 A Seventeen.</p> <p>14 Q Seventeen we're looking at. So see the first</p> <p>15 line on there?</p> <p>16 A I see it.</p> <p>17 Q The price that you charge on your --</p> <p>18 A \$6.</p> <p>19 Q \$6. If you look at that invoice you sent them</p> <p>20 January 26th?</p> <p>21 A \$6.</p> <p>22 Q So, if you take -- they charged my client</p> <p>23 \$1,965,600 because that was \$13 a kit?</p> <p>24 A I see it.</p>

<p style="text-align: right;">Page 190</p> <p>1 Q Times 151,000. If you take the price that you 2 charged Sam and CHG, that was \$6 a kit, so it's a 3 total of 907,200; right?</p> <p>4 A Okay.</p> <p>5 Q So from the 1965 that my client wired in to 6 Manfred he paid you out 900 -- you charged them 7 907, so the balance kept, I know that Mr. Laver 8 disputes that's Manfred's and Sam's product, but 9 they retained 1,058,400?</p> <p>10 A I didn't get this 900,000.</p> <p>11 Q I know that. Well, we will talk about that.</p> <p>12 A Okay.</p> <p>13 Q Let's talk about your wires. Okay. See where 14 it says MS total wires out at the bottom of 17. MS 15 total wires out. MS total wires out. Do you see 16 that?</p> <p>17 A Yes.</p> <p>18 Q On February 1st you were wired 219,240; right?</p> <p>19 A Correct.</p> <p>20 Q So I'm going to put a check mark next to that. 21 On February 4th there was \$1,911,960. Are you 22 aware of that wire?</p> <p>23 A I know how much I got.</p> <p>24 Q So, if you go back to this page, this what you</p>	<p style="text-align: right;">Page 192</p> <p>1 account on February 15. Do you see that? Now, on 2 this page on Sternberg-19 it shows on February 15 3 Sternberg wired another 250,000 to Sokolski; 4 correct? And if you look at your records, 5 Sternberg-22, the paper that you prepared, you show 6 February 15th, of that money she only gave you 7 130,000; correct?</p> <p>8 A Correct.</p> <p>9 Q And next to that you wrote should be 250,000 10 with a question mark; right?</p> <p>11 A Correct.</p> <p>12 Q So this 250 has been verified from --</p> <p>13 A Sternberg.</p> <p>14 Q Sternberg-19. And then if you look at the 15 last entry from Sternberg's escrow records, it 16 shows February 25, 190,000 went from Sternberg 17 again to Sokolski and Zekaria's escrow account. Do 18 you see that on Sternberg-19?</p> <p>19 A Correct.</p> <p>20 Q And if you look at your records, you claim you 21 only got 70,000 of that; right?</p> <p>22 A Right.</p> <p>23 Q So the 190 has been verified. Why did you 24 write should be 130, question mark. If you know it</p>
<p style="text-align: right;">Page 191</p> <p>1 got on February 4th and February 7th you only got 2 \$1,246,960; right?</p> <p>3 A Correct.</p> <p>4 Q So I'm going to put on -- so that's -- then, 5 if you take -- if you look at your Sternberg-22 you 6 wrote there should be 1,911,960. Do you see that? 7 And if you turn to --</p> <p>8 A Yeah. Yeah.</p> <p>9 Q What's been marked as Sternberg-19, this is a 10 record from Sternberg's escrow account that shows 11 on February 4th he wired \$1,911,960 to Sokolski's 12 escrow account. Do you see that? These are from 13 Manfred's records?</p> <p>14 A Yes.</p> <p>15 Q So I'm going to take this 1,911,000 put a 16 check mark next to that because that number has 17 been verified; correct?</p> <p>18 A What do you mean been verified?</p> <p>19 Q From Sternberg's escrow records it shows he 20 wired \$1,911,960, but your records 22 shows she 21 only gave you from that 1,246,960?</p> <p>22 A Right.</p> <p>23 Q Then the next wire from Sternberg's records 24 show 250,000 that he wired to Sokolski's escrow</p>	<p style="text-align: right;">Page 193</p> <p>1 was 190 or you thought it was only 130; right?</p> <p>2 A No. I thought 190.</p> <p>3 Q So that number you wrote should be 130, that 4 should actually be 190?</p> <p>5 A It should be 130. See I write 130 here.</p> <p>6 Q You wrote it should be 130, but actually it 7 was 190,000; right?</p> <p>8 A So I made a mistake.</p> <p>9 MR. HEALEY: What's actually 190?</p> <p>10 MR. LIGHTMAN: The actual wire that 11 went out from Sternberg to Zekaria on 12 February 25 is \$190,000.</p> <p>13 MR. HEALEY: Okay.</p> <p>14 MR. LIGHTMAN: On Gary Weiss' record 15 of payments he only got 70,000 of that. So 16 he wrote here should be 130. I think he 17 really -- there really should be -- I don't 18 know why he wrote 130 because the actual 19 number was 190. All your other numbers on 20 this chart what you got and what you think 21 she got what you got -- what you got on 22 February 7th and what --</p> <p>23 THE WITNESS: Do I have another 24 list?</p>

<p style="text-align: right;">Page 194</p> <p>1 BY MR. LIGHTMAN:</p> <p>2 Q No. This is the only list you sent me?</p> <p>3 A What is here? Seventy, 130.</p> <p>4 Q That green sticker that you just read from is</p> <p>5 your numbers there; right?</p> <p>6 A Okay. Yeah. Yeah.</p> <p>7 Q So you got --</p> <p>8 A I thought it's 130. I don't know about 190.</p> <p>9 Q Exactly. You thought it was 130, but it was</p> <p>10 actually 190?</p> <p>11 A Shipped and I -- exactly.</p> <p>12 Q So ready. Go to your green sticker. You got</p> <p>13 1,246,960 which is the February 7th wire; right?</p> <p>14 A Yeah.</p> <p>15 Q You got 130,000 February 15th, which is the</p> <p>16 figure underneath the --</p> <p>17 A It looks like a mistake here.</p> <p>18 Q Right. In the adding it up, it should be</p> <p>19 1,241,446,960; right?</p> <p>20 MR. LAVER: Say that again.</p> <p>21 BY MR. LIGHTMAN:</p> <p>22 Q If you take the three numbers you put here,</p> <p>23 the one on the green sticker -- ignore the top 219,</p> <p>24 240 because you got that directly; right?</p>	<p style="text-align: right;">Page 196</p> <p>1 Q Take those three numbers. It's 200 plus --</p> <p>2 A It's four numbers. It should be four.</p> <p>3 Q Forget the top right there?</p> <p>4 A Forget the top. You added it, I take your</p> <p>5 number.</p> <p>6 Q If you take 1,246,960 and add 200 to that, you</p> <p>7 get 1,446,960; right. Right?</p> <p>8 A Yeah.</p> <p>9 Q So right here on 17-B I put your number in</p> <p>10 green in the first column and then I put another</p> <p>11 column 1,446,960 is the actual number you got. Do</p> <p>12 you see that from Daphna? Total payments to Gary</p> <p>13 Weiss from Daphna is \$1,446,960; right?</p> <p>14 A I see it's a mistake.</p> <p>15 Q So that I'm going to put a check mark next to</p> <p>16 that because that's the actual. Then underneath</p> <p>17 that --</p> <p>18 A Is one four.</p> <p>19 Q 46,960. And that's just due to a math error.</p> <p>20 The numbers are correct, but you added them wrong;</p> <p>21 correct?</p> <p>22 A What is your correct number? I don't see it.</p> <p>23 That's the correct number.</p> <p>24 Q That's the correct one. So where I wrote</p>
<p style="text-align: right;">Page 195</p> <p>1 A Yes.</p> <p>2 Q You added up the three numbers from the</p> <p>3 Zekaria wires to you?</p> <p>4 A That's the mistake here. Yeah.</p> <p>5 Q You wrote \$1,447,200. Do you see that?</p> <p>6 A It's three payments.</p> <p>7 Q But if you add up those three payments, it's</p> <p>8 \$1,246,960, plus another 200,000; right?</p> <p>9 A Correct.</p> <p>10 Q So it's 1,446,960; right, not 1,447,200?</p> <p>11 A There is a mistake again.</p> <p>12 Q So what I did was --</p> <p>13 A You are making right now mistake unless you</p> <p>14 are correcting because it looks like one six</p> <p>15 something. I'm just adding quickly, but I need a</p> <p>16 calculator.</p> <p>17 Q That's the 219. What I'm going to do is look</p> <p>18 at GW-17B, the one that's added there. All right.</p> <p>19 On your green sticker you wrote that the total</p> <p>20 payments on your green sticker that you got from</p> <p>21 that was \$1,447,200. Do you see that?</p> <p>22 A Yeah. But it's a mistake.</p> <p>23 Q It's actually \$1,446,960; right?</p> <p>24 A You think so?</p>	<p style="text-align: right;">Page 197</p> <p>1 \$1,446,960 is actual, that's where you actually got</p> <p>2 those three wires; correct?</p> <p>3 A Three paid.</p> <p>4 Q And then the next line was -- this is wrong.</p> <p>5 The addition -- I should have added that. So let's</p> <p>6 go. I'm going to correct 17. Do you see 17-B?</p> <p>7 A I don't see any mathematicians here.</p> <p>8 Q Yeah. Really. The total payments made to</p> <p>9 Gary Weiss from Daphna Zekaria is \$1,446,960. Do</p> <p>10 you see that; right?</p> <p>11 A Which piece of paper?</p> <p>12 Q On 17-B far right side it says, the total</p> <p>13 payments to Gary Weiss from Daphna 1,446,960.</p> <p>14 Right there.</p> <p>15 A Okay.</p> <p>16 Q Got that?</p> <p>17 A Yeah.</p> <p>18 Q So go back to 17. If you add up these wires</p> <p>19 that are shown in Sternberg's escrow records, the</p> <p>20 total payments made from Sternberg to Daphna was</p> <p>21 the 19, the 250, the 190 and equals a total of</p> <p>22 2,351,960. Do you see that? I'm going to circle</p> <p>23 those numbers. If you add up these numbers on</p> <p>24 deposition 17, you take the 19 that he sent her on</p>

50 (Pages 194 to 197)

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1 February 1st, the 250,000 -- or excuse me -- the 19
2 you sent on February 4th, the 250,000 you sent her
3 on February 15th, and the 190,000 he sent her on
4 February 25th, those three payments add up to
5 2,351,960. Do you see that? The total payments on
6 the next page 17-B, that she sent you the actual
7 payment she sent you is 1,446,960. Do you see
8 that? I'm going to circle that. That's actually
9 what she sent you. That's adding up those three
10 wires there; right?

11 **MR. HEALEY:** I think your math is
12 off here.

13 **MR. LIGHTMAN:** You add up the three
14 wires that Daphna sent to Gary Weiss shown on
15 --

16 **MR. HEALEY:** Yeah. 1,446,960. Why
17 would you take off the 219?

18 **MR. LIGHTMAN:** Ready. You will see
19 why I'm saying.

20 **THE WITNESS:** A second. He's saying
21 Daphna sent it.

22 **MR. HEALEY:** I understand that,
23 but --

24 **BY MR. LIGHTMAN:**

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1 **MR. LIGHTMAN:** You are right.

2 **MR. HEALEY:** Not 25.

3 **MR. LIGHTMAN:** 2,351. Right.

4 Exactly.

5 **MR. LAVER:** I'm losing track of who
6 is testifying.

7 **BY MR. LIGHTMAN:**

8 **Q** Ready? I'm going to start over again. Total
9 wires from Manfred to Daphna, these three numbers
10 add up to \$2,351,960. Are we all in agreement of
11 that?

12 **A** Okay.

13 **Q** Total wires that Daphna made to you is
14 \$1,446,960. Do you see that? So, if you take
15 \$2,351,960 and subtract from that \$1,446,960, you
16 end up with \$905,000 that Daphna got in wires from
17 Manfred that she didn't give to you; correct?
18 Right?

19 **A** Yeah. Yeah.

20 **Q** What did she do with that money?

21 **A** I don't know.

22 **Q** Did you ever ask her for it?

23 **A** If I ask her for it -- I didn't ask her. It
24 was Sam -- Sam told me that she is going to give me

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1 **Q** So Daphna received the total of \$2,571,200.
2 That's from Manfred.

3 **MR. HEALEY:** 2,351,960.

4 **BY MR. LIGHTMAN:**

5 **Q** 2,571,200?

6 **MR. HEALEY:** And that's from where?

7 **MR. LIGHTMAN:** That's from total
8 wires from Manfred to Daphna. It's a million
9 nine -- \$1,911,960.

10 **MR. HEALEY:** That's just total wires
11 out.

12 **MR. LIGHTMAN:** Total wires out.

13 **MR. HEALEY:** But that's not directly
14 to Daphna.

15 **MR. LIGHTMAN:** Yes, it is.

16 **MR. HEALEY:** No.

17 **MR. LIGHTMAN:** On February 1st.

18 **MR. HEALEY:** He did a GW wire that
19 was directly to him.

20 **MR. LIGHTMAN:** I'm not counting
21 that.

22 **MR. HEALEY:** Yeah. I know you are
23 in this -- it's the -- the wires to Daphna,
24 according to your math, are 2,351,960.

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1 less right now because he has some other people
2 that he has to give commissions and settle with and
3 he will pay me in the next few weeks.

4 **Q** So Sam told you not to have Zekaria give you
5 the money?

6 **A** No. Listen. Essentially, yes. Okay. So 219
7 was wired first; right?

8 **Q** Right?

9 **A** And then supposed to be 1.9, the balance
10 second.

11 **Q** Right. So, if you take -- let's stop right
12 here a second. If you take 219, 240 and you add to
13 it 1,911,960?

14 **A** That's what I sold the kits to Sam Gross.

15 **Q** Exactly. That number adds up to -- that adds
16 up to \$2,131,200 which is the exact amount on your
17 purchase order to him; right?

18 **A** Yes.

19 **Q** Or your bill to him?

20 **A** Yes.

21 **Q** So those first two payments adding up to
22 2,131,200 fully paid for the bill that you sent him
23 in January or the test kits; correct?

24 **A** But they were not paid to me always.

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1 Q But paid to Zekaria?
 2 A **Yes. No. Paid one to me.**
 3 Q One went to me --
 4 A **The 219 and the second one went to Zekaria.**
 5 Q Two million nine? And together those two
 6 wires --
 7 A **Is my invoice.**
 8 Q -- equaled your invoice?
 9 A **Exactly.**
 10 Q So why are they paying an extra -- well, first
 11 of all, why didn't you get all that money?
 12 A **Okay. So after the wire of the 219, Sam told**
 13 **me that he has to pay some monies some people that**
 14 **he's doing a deal with to give them commissions or**
 15 **whatever. And if I can wait for the balance**
 16 **another week or two, and he told me that I have**
 17 **over \$4 million by Sternberg and I suppose to get**
 18 **them and I will give you the balance. I said okay.**
 19 Q Sam told you his -- Manfred Sternberg has over
 20 \$4 million in his escrow?
 21 A **That's what he said.**
 22 Q And you said okay. I don't have a problem
 23 with that?
 24 A **Yeah. He give me credit in the past when we**

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1 A **He asked me to pay to Taylor 25,000.**
 2 Q Why?
 3 A **She does for him services.**
 4 Q It's money that's supposed to be used to buy
 5 test kits. Instead Sam is using it to pay Taylor.
 6 Why?
 7 A **Don't ask me why.**
 8 Q You don't know why?
 9 A **I do with Sam 20 years business. He told me**
 10 **he's going to pay me the balance later. Okay. You**
 11 **understand?**
 12 Q So you took 20 and paid it to her; right?
 13 A **Twenty-five.**
 14 Q Twenty-five. That would show in the A Solar
 15 Diamond escrow bank account; right?
 16 A **Of course.**
 17 Q We had asked you to produce those bank
 18 records. Will you produce those bank records?
 19 A **I gave it to you before.**
 20 Q No. No. No. The only thing you gave me is
 21 this one page that's been marked as Sternberg-22.
 22 A **Where's my bag. I gave you a whole bag.**
 23 Q No. There is no bag. I looked through that.
 24 That's one of the things I was looking for. There

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1 **did business, so I give him the same courtesy. Do**
 2 **you understand?**
 3 Q So then -- do you know who he paid that -- how
 4 did -- so Zekaria took some of that money and sent
 5 it to people that Sam told her to send it to?
 6 A **I don't know what Zekaria did, but he asked me**
 7 **to make two payments to one, two --**
 8 Q Taylor?
 9 A **One to Taylor, his stepdaughter.**
 10 Q How much was that payment?
 11 A **Twenty, 25,000.**
 12 Q So Zekaria took 20 or \$25,000 out of her
 13 attorney escrow account?
 14 A **No. No. No. I. I. I. I gave to.**
 15 Q You. So, out of the 219 you got, you took 20
 16 or 25 and paid it to Taylor?
 17 A **No. At the end. Later on. After I got the**
 18 **1.2 million. After Available Movers already picked**
 19 **up.**
 20 Q So you got --
 21 A **Not Zekaria. I did the 25,000 to Taylor.**
 22 Q After she wired you a total of 1,227,720, then
 23 you took 20 or 25,000 out of that and paid it to
 24 Taylor?

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1 are no bank statements from Wells Fargo?
 2 A **Are you now saying that you are making a**
 3 **mistake?**
 4 Q No. I'm saying I never saw any bank records
 5 to support this stuff.
 6 A **Are you kidding me? Wait until you get all**
 7 **your records back. I hope so. I gave it to you.**
 8 Q They are making copies of stuff.
 9 A **One second. One second. One second. There**
 10 **no such thing. I brought it with me. I'm insane,**
 11 **but not that much, you know. So, you know what?**
 12 **When it comes back, we will find out those papers.**
 13 Q Okay. When it comes back. I'm telling you
 14 they are not there and if you don't have them --
 15 A **I can get them.**
 16 Q I can go subpoena them from Wells Fargo?
 17 A **I have them for --**
 18 Q We will see when the documents come back?
 19 A **Whom did you give it to?**
 20 Q What?
 21 A **To whom did you give it?**
 22 Q I gave it to Tony, the guy that's been waiting
 23 on us, he's going to make a copy of the stuff, take
 24 it out and bring it all back.

USDC, ED of PA

No. 2:22-CV-0688 (JMY)

American Environmental Ent. v. Manfred Sternberg, Esq., et al.

Deposition of Gary Weiss

Friday

February 16, 2024

Page 206

1 **A So you don't know what you gave me. You just**
 2 **gave me bunch of --**
 3 Q I'm telling you, I looked through all the
 4 documents you gave me and I did not see bank
 5 statements from Wells Fargo. We will put that
 6 aside?
 7 **A So you are claiming that Mr. Lightman can make**
 8 **a mistake; right? Mistakes can happen, so remember**
 9 **that.**
 10 Q This isn't a standard bank statement. This
 11 is --
 12 **A Doesn't matter. Look at that, the numbers**
 13 **they are not fabricated.**
 14 Q Where does it show 20 or 25,000 to Taylor?
 15 **A I don't know, but you'll get that, too, if it**
 16 **didn't show here. Okay.**
 17 **MR. LAVER:** Can I see a copy when
 18 you are done with it?
 19 **MR. LIGHTMAN:** Why don't we mark
 20 that as a deposition exhibit and we will make
 21 copies of it. What's the next deposition
 22 exhibit?
 23 **THE WITNESS:** So this one shows the
 24 payments. You understand?

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1 **A See here I did total payments different than**
 2 **the total is 166. Maybe it's mistake.**
 3 Q No, it isn't because if you take -- ready. If
 4 you take the total wires to you of \$1,227,720 --
 5 no. No. I'm sorry. Excuse me. Total wires from
 6 Daphna to you is \$1,446,960 and you add to that the
 7 219,240 that Manfred wired you directly, you end up
 8 with \$1,666,200 which is the same number you put on
 9 the first page of this Wells Fargo statement.
 10 Do you see that?
 11 **A Uh-hum.**
 12 Q So that's the total money you received from
 13 Daphna and Sternberg directly for this test kit
 14 purchase; correct?
 15 **A Correct.**
 16 **MR. LIGHTMAN:** Let's mark this a
 17 Gary Weiss-8.
 18 (Four-page photocopy of A. Solar
 19 Diamond Wells Fargo record excerpts marked
 20 GW-8, for identification.)
 21 **BY MR. LIGHTMAN:**
 22 Q We will call that A Solar Diamond Wells Fargo
 23 bank records excerpts. And you are saying
 24 somewhere in there in the page that you haven't

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1 **BY MR. LIGHTMAN:**
 2 Q That shows the 1.6 million you totally
 3 received; right?
 4 **A Whatever. I didn't sum it up because this is**
 5 **screwed up. So we have the 70 Zekaria on**
 6 **February 28th I wrote, but I'm not sure what does**
 7 **it say by you? Let's look again.**
 8 Q 70,000?
 9 **A On what date is it?**
 10 Q February 28?
 11 **A So I did make a mistake here. And you have**
 12 **130,000 on February 15?**
 13 Q Yes.
 14 **A 1,246,960 on February 7th?**
 15 Q Yes. And the last one is 219,240 first page.
 16 **A 219. So I did pay for that lady. Okay.**
 17 Q It's not on there?
 18 **A I find it.**
 19 **MR. LAVER:** Paid for what lady?
 20 **MR. LIGHTMAN:** Taylor.
 21 **THE WITNESS:** Taylor.
 22 **BY MR. LIGHTMAN:**
 23 Q Give me this. I'm going to mark it. I'm
 24 going to make you a copy.

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1 produced today will show a wire --
 2 **A I will find it.**
 3 Q It's a wire or check?
 4 **A I don't remember now.**
 5 Q But either a wire or check from you to Taylor?
 6 **A I will check.**
 7 Q And you don't know why, but because Sam told
 8 you to send the money?
 9 **A Exactly.**
 10 Q And did Sam ever give you back that 30,000 or
 11 that 20, 25,000?
 12 **A No.**
 13 Q That's what you get for trusting people;
 14 right?
 15 **MR. LAVER:** Real quick. Who's --
 16 **THE WITNESS:** Not yet. Not yet.
 17 **MR. LIGHTMAN:** Okay.
 18 **MR. LAVER:** Excuse me. Who is
 19 Alberto Herrera?
 20 **MR. LIGHTMAN:** That's the landlord.
 21 **THE WITNESS:** Alberto Herrera.
 22 **MR. LAVER:** Do you know?
 23 **THE WITNESS:** Yeah. He's a friend
 24 of mine.

53 (Pages 206 to 209)

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<p style="text-align: right;">Page 210</p> <p>1 MR. LIGHTMAN: He testified earlier</p> <p>2 that was his landlord.</p> <p>3 Let's go on.</p> <p>4 BY MR. LIGHTMAN:</p> <p>5 Q So what happened to the 905,000 Daphna didn't</p> <p>6 pay you that she got from Manfred?</p> <p>7 A I don't know.</p> <p>8 Q Did you ever ask her about that?</p> <p>9 A I just told her, in other words, Sam asked me</p> <p>10 if -- is it okay to pay less now and he will make</p> <p>11 payments later and he sent some other payments in</p> <p>12 the future.</p> <p>13 Q Right.</p> <p>14 A Which they took also out some, so my thought</p> <p>15 there is bla, bla, whatever you said. But what</p> <p>16 they did with the balance you have to ask Sam. You</p> <p>17 have to ask Daphna. I don't know.</p> <p>18 Q On page four of their bank records there is</p> <p>19 white -- a redaction of this \$200,000. Who is that</p> <p>20 from or to?</p> <p>21 A It's not from Daphna.</p> <p>22 Q Who is it?</p> <p>23 A I have to check.</p> <p>24 Q Okay. You don't know sitting here today;</p>	<p style="text-align: right;">Page 212</p> <p>1 Q Why didn't you ever ask her for it? That's</p> <p>2 not her money, is it? Was she entitled to keep</p> <p>3 that money?</p> <p>4 A No.</p> <p>5 Q That was money that Manfred paid to you</p> <p>6 through her as an escrow agent; right?</p> <p>7 A Yeah. Yeah.</p> <p>8 Q So you never got the money. Why didn't you</p> <p>9 ever ask her for the money?</p> <p>10 A Because I just told you, Sam asked me if he</p> <p>11 can keep some money so I guess she gave it to Sam;</p> <p>12 right?</p> <p>13 Q That's 20 or 25,000 that he asked you -- other</p> <p>14 than the 20 or 25,000 --</p> <p>15 A I don't know about the rest. I don't know</p> <p>16 what she did.</p> <p>17 Q So you don't know what she did; right?</p> <p>18 A I don't know what she did.</p> <p>19 Q And that money, who controls -- the agreement</p> <p>20 that you made with Zekaria was just between you and</p> <p>21 Zekaria; right?</p> <p>22 A Right.</p> <p>23 Q It wasn't with Sam; right?</p> <p>24 A No.</p>
<p style="text-align: right;">Page 211</p> <p>1 right? I'm going to put this right over here, so I</p> <p>2 remember to make a copy of it.</p> <p>3 A Okay.</p> <p>4 Q You got a \$1,666,200. Daphna got a total</p> <p>5 of --</p> <p>6 A Twenty-five.</p> <p>7 Q 2,571,200. Why didn't you ever get the</p> <p>8 balance from her? I mean, irrespective of Sam</p> <p>9 saying, I'll give you later.</p> <p>10 A It's not her. It's Sam that owes me the</p> <p>11 money.</p> <p>12 Q They sent a total of 2.5 to Daphna. Daphna --</p> <p>13 MR. HEALEY: 2.3.</p> <p>14 MR. LIGHTMAN: Excuse me. Yes.</p> <p>15 THE WITNESS: 2.3.</p> <p>16 BY MR. LIGHTMAN:</p> <p>17 Q Sam wired a total to Daphna of \$2,351,960.</p> <p>18 Okay?</p> <p>19 A Okay.</p> <p>20 Q Daphna only gave you a total of --</p> <p>21 A 1,446,960.</p> <p>22 Q Right. So where is the \$905,000 that she</p> <p>23 didn't give you that she got from Manfred?</p> <p>24 A I don't know who she gave it.</p>	<p style="text-align: right;">Page 213</p> <p>1 Q Sam had no -- what authority did Sam have to</p> <p>2 tell Daphna don't pay Gary the money?</p> <p>3 A I don't know what happened between them.</p> <p>4 Q All you know is that you got a total of 166</p> <p>5 of --</p> <p>6 A I see -- like I said in the beginning, the</p> <p>7 first 219 came to me directly from Mr. Manfred. I</p> <p>8 thought the balance would come also, but it was in</p> <p>9 a sudden, an escrow that has to be done through</p> <p>10 Daphna Zekaria, which I said okay. What can I say</p> <p>11 anyhow? I wasn't -- I wasn't the one to suggest</p> <p>12 Daphna Zekaria nor did I know her. Okay.</p> <p>13 Q One of the documents that you produced today I</p> <p>14 had copies made. Let's mark this as Deposition</p> <p>15 Exhibit-9.</p> <p>16 (One-page photocopy of email dated</p> <p>17 7/19/23 marked GW-9, for identification.)</p> <p>18 BY MR. LIGHTMAN:</p> <p>19 Q This is one of the documents you produced</p> <p>20 today; correct?</p> <p>21 A Yes.</p> <p>22 Q It's a text or an e-mail, rather, from you to</p> <p>23 Rebecca Price dated Wednesday July 19; correct?</p> <p>24 A Correct.</p>

54 (Pages 210 to 213)

Page 214

1 Q You wrote, hi, Rebecca and William, we spoke
2 on July 13, 2023, on the phone. At the conclusion
3 of that call, I felt that you were not representing
4 me with all the facts I provided to you provide to
5 the Court. Do you see that?
6 **A You see. That's what I was talking about.**
7 Q It says, I also was pleading with you to
8 answer the Court to dismiss my case based upon the
9 refund I gave to Sam and Manfred which they have
10 already over one year and never complained about
11 the value of the collateral, refund I gave them and
12 advised me at the end of March that they begin to
13 sell it rather than just argue to dismiss the case
14 on three technicalities and once you did not
15 prevail in the dismissal request, you were
16 surprised with Judge Young's decision. Do you see
17 that?
18 **A Yeah. Yeah.**
19 Q I provided you with e-mails that confirmed
20 that Manfred and Sam received the collateral;
21 right?
22 **A Right.**
23 Q You write, Manfred and Sam received the
24 collateral; right?

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1 reason at all. See paragraph 11.
2 You are referring to paragraph 11 of
3 the SPA; right?
4 **A Uh-hum.**
5 Q And then you write --
6 **MR. LIGHTMAN:** Pay attention
7 Mr. Laver.
8 **BY MR. LIGHTMAN:**
9 Q Also in his testimony to the Bar Texas he is
10 hiding the fact that he already received a
11 collateral refund from Gary Weiss; right?
12 **A Correct.**
13 Q The same goes for the proceedings in PA Court
14 in front of Judge Young lying that the agreement
15 which Manfred authored and verified prevents him to
16 initiate a lawsuit against me to hold me
17 responsible for the loss of the merchandise once
18 title of the merchandise was in the hands of Safety
19 House.
20 Do you see that?
21 **A Yeah.**
22 Q Nor does his attorney Lightman disclose that
23 he knows I gave a refund to Manfred and Sam Gross,
24 nor was I present when I was named third-party

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1 **A Correct.**
2 Q And they advise me that they will start
3 selling it?
4 **A Right.**
5 Q Not Sam, but they will start selling it?
6 **A Right.**
7 Q And then you write, I will attach to you the
8 testimony Manfred gave the lawyer of the Texas Bar
9 on March 31, '22, whereby Manfred testified that he
10 executed legally verified that the sale and
11 purchase agreements, SPA in parenthesis, was signed
12 by Daniel J. Scully, the buyer of The Safety House,
13 prior to Scully sending the funds to lawyer Manfred
14 to his escrow IOLTA account to be released once the
15 merchandise is on the truck en route verified which
16 at that point the title of the merchandise is
17 transferred to Safety House.
18 Do you see that?
19 **A Yep.**
20 Q And then you write, please read Manfred's
21 testimony. Therefore, the agreement is binding
22 according to him and by him and all parties and no
23 agents or other parties can become part of a
24 lawsuit. In this case, me, Gary Weiss, for any

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1 defendant to object and explain.
2 Do you see that?
3 **A Yeah.**
4 Q I'll tell you, by the way, I didn't know that
5 you gave a refund until it was disclosed in
6 discovery or we would have had a different
7 complaint, but that's here nor there. Ready?
8 You write down two paragraphs below
9 that, do you see where it says based on the lies?
10 Based on the lies of Manfred, Sam and Lightman? Do
11 you see where you write that?
12 **A Yeah.**
13 Q Based on the lies of Manfred, Sam and Lightman
14 by not disclosing the refund, the case should be
15 dismissed altogether; correct?
16 **A Correct.**
17 Q So neither -- Manfred never disclosed to the
18 Texas Bar that you gave a full refund; correct?
19 **MR. LAVER:** Objection to form. And
20 while I have the floor --
21 **MR. LIGHTMAN:** Pardon me?
22 **MR. LAVER:** I'm speaking. I object
23 to the use of this exhibit. This is not the
24 first time that you've requested testimony

55 (Pages 214 to 217)

<p style="text-align: right;">Page 218</p> <p>1 from a witness without providing a copy ahead</p> <p>2 of time.</p> <p>3 MR. LIGHTMAN: I saw this document</p> <p>4 for the first time at lunch when he produced</p> <p>5 his bag of documents and I went through it,</p> <p>6 so this is --</p> <p>7 MR. LAVER: This was produced today?</p> <p>8 MR. LIGHTMAN: Yeah. Today at</p> <p>9 lunch.</p> <p>10 MR. LAVER: Noted. Still note my</p> <p>11 objection.</p> <p>12 MR. LIGHTMAN: Okay. Note your</p> <p>13 objection.</p> <p>14 MR. LAVER: Let me speak. And I</p> <p>15 object to the use as an exhibit moving</p> <p>16 forward giving that we only saw it today for</p> <p>17 the first time.</p> <p>18 MR. LIGHTMAN: I understand you</p> <p>19 would.</p> <p>20 MR. LAVER: Moreover, it's clearly</p> <p>21 privileged, but the witness doesn't know to</p> <p>22 even assert that.</p> <p>23 But with that go ahead.</p> <p>24 BY MR. LIGHTMAN:</p>	<p style="text-align: right;">Page 220</p> <p>1 didn't give them to my client.</p> <p>2 BY MR. LIGHTMAN:</p> <p>3 Q Did you give collateral consisting of diamonds</p> <p>4 and gemstones worth, in your opinion, approximately</p> <p>5 \$4 million to the Gross defendants and the</p> <p>6 Sternberg defendants back in February, March of</p> <p>7 2022?</p> <p>8 A Correct.</p> <p>9 Q Did Sternberg know before April '22, when he</p> <p>10 wrote to the bar, that you had tendered a refund in</p> <p>11 excess of the money --</p> <p>12 MR. LAVER: Objection.</p> <p>13 BY MR. LIGHTMAN:</p> <p>14 Q -- that he had wired?</p> <p>15 MR. LAVER: Objection.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. LIGHTMAN:</p> <p>18 Q And did Manfred disclose that, that you had</p> <p>19 given him a refund of diamonds and gems to the</p> <p>20 Texas Bar?</p> <p>21 A I did not see it any place.</p> <p>22 Q The letter that he sent you, he sent you a</p> <p>23 copy of what he wrote to the Texas bar; right?</p> <p>24 A Yes.</p>
<p style="text-align: right;">Page 219</p> <p>1 Q You wrote, based on the lies of Manfred and</p> <p>2 Sam, right, by not disclosing the refund?</p> <p>3 MR. LAVER: Objection. That's not</p> <p>4 what it says.</p> <p>5 BY MR. LIGHTMAN:</p> <p>6 Q Of Lightman and Lightman. Assume for purposes</p> <p>7 of my questions that I didn't know about the refund</p> <p>8 so after --</p> <p>9 A Okay. Okay.</p> <p>10 MR. LAVER: Objection. We don't</p> <p>11 have to make that assumption.</p> <p>12 BY MR. LIGHTMAN:</p> <p>13 Q Manfred knew that you had given him a refund</p> <p>14 before he wrote to the Texas Bar; correct?</p> <p>15 MR. LAVER: Objection. How does he</p> <p>16 know what Manfred knows?</p> <p>17 BY MR. LIGHTMAN:</p> <p>18 Q You told Manfred he was getting collateral.</p> <p>19 Diamonds and gems as collateral; right?</p> <p>20 A Yes.</p> <p>21 Q And you gave him diamonds and gems in</p> <p>22 collateral back in March of 2022; right?</p> <p>23 MR. LAVER: Objection. That is not</p> <p>24 the testimony. You are testifying now. He</p>	<p style="text-align: right;">Page 221</p> <p>1 Q Was that anywhere in there?</p> <p>2 A No.</p> <p>3 MR. HEALEY: I have to say on the</p> <p>4 record, Gary, I mean, if this is from his</p> <p>5 attorney, Mr. Weiss, do you know that you</p> <p>6 don't have to produce documents between you</p> <p>7 and your attorney? Do you know that?</p> <p>8 MR. LAVER: It's totally</p> <p>9 inappropriate.</p> <p>10 MR. HEALEY: I can't --</p> <p>11 MR. LIGHTMAN: He produced it.</p> <p>12 MR. LAVER: It's totally</p> <p>13 inappropriate.</p> <p>14 MR. HEALEY: He produced it, but</p> <p>15 does he know not to produce it. I'm not</p> <p>16 sure -- I just can't sit here as an officer</p> <p>17 of the court and --</p> <p>18 THE WITNESS: I cannot argue about</p> <p>19 little things, so I cannot -- whatever you</p> <p>20 say is accepted by me.</p> <p>21 BY MR. LIGHTMAN:</p> <p>22 Q Let me ask you this.</p> <p>23 MR. HEALEY: Let me go. What I'm --</p> <p>24 MR. LIGHTMAN: Put your statement on</p>

56 (Pages 218 to 221)

<p style="text-align: right;">Page 222</p> <p>1 the record.</p> <p>2 MR. HEALEY: What I'm telling you</p> <p>3 is --</p> <p>4 MR. LIGHTMAN: Are you acting as his</p> <p>5 attorney?</p> <p>6 MR. HEALEY: I'm not acting as his</p> <p>7 attorney --</p> <p>8 MR. LIGHTMAN: Then just make a</p> <p>9 statement on the record so I can go forward.</p> <p>10 MR. HEALEY: You get to grandstand a</p> <p>11 little. I'm just trying to tell --</p> <p>12 MR. LIGHTMAN: I'm not</p> <p>13 grandstanding. He knows key information.</p> <p>14 MR. HEALEY: But he gave you a bag</p> <p>15 of documents and you looked through it and</p> <p>16 this is --</p> <p>17 MR. LIGHTMAN: And I asked him, can</p> <p>18 I look through these documents and he said</p> <p>19 yes. If he didn't want me to know anything,</p> <p>20 he had every right to pull it out. He has</p> <p>21 every right to get an attorney. Judge Young</p> <p>22 gave him 90 days from when she filed a motion</p> <p>23 to withdraw and another 30 days and he didn't</p> <p>24 get an attorney.</p>	<p style="text-align: right;">Page 224</p> <p>1 similar in dollar amount to the whole invoice where</p> <p>2 they actually sent to lawyer Zekaria but Zekaria</p> <p>3 and Sam did further to defraud me as part of the</p> <p>4 invoice amount. And the collateral they took from</p> <p>5 me, but I'll leave that for another day.</p> <p>6 What do you mean by that?</p> <p>7 A What? I didn't get paid. We went through the</p> <p>8 numbers. I'm still short for my \$2.1 million. Is</p> <p>9 it correct or not by the numbers.</p> <p>10 Q Listen, you paid out 2.1 million. You only</p> <p>11 got in 1.6 million. I agree --</p> <p>12 A Correct.</p> <p>13 Q -- that they never gave you all the money?</p> <p>14 A Did they find -- did they file in court that I</p> <p>15 have something to do with this case and they</p> <p>16 mention that I gave them already a refund?</p> <p>17 Q He filed initially all four defendants -- I'm</p> <p>18 not supposed to answer questions that was asked,</p> <p>19 but initially all four defendants Gross and his</p> <p>20 company, Sternberg and his law firm filed a claim</p> <p>21 against you saying you are the one responsible?</p> <p>22 A Right. But I already gave them back the money</p> <p>23 at the time.</p> <p>24 Q They didn't put that in their claim against</p>
<p style="text-align: right;">Page 223</p> <p>1 MR. HEALEY: I understand that. But</p> <p>2 I'm just trying to state on the record</p> <p>3 whether the witness knows communications</p> <p>4 between you and your attorney are privileged</p> <p>5 and you don't have to produce them. I'm just</p> <p>6 saying that on the record.</p> <p>7 MR. LIGHTMAN: Okay. Thank you.</p> <p>8 Are you finished?</p> <p>9 MR. HEALEY: I'm finished.</p> <p>10 THE WITNESS: Is that a question for</p> <p>11 me?</p> <p>12 MR. HEALEY: I'm telling you on the</p> <p>13 record.</p> <p>14 BY MR. LIGHTMAN:</p> <p>15 Q Here's my question: Here's my question:</p> <p>16 Gary Weiss-9, six lines from the bottom where it</p> <p>17 starts out, fraudulent intentions. Do you see</p> <p>18 that?</p> <p>19 A One, two, three, four, five, six.</p> <p>20 Q You write, on July 19, 2023, fraudulent</p> <p>21 intentions as there are no five buyers as they told</p> <p>22 me. With the detail, they instructed me to make</p> <p>23 the invoice. They are trying to lay the blame on</p> <p>24 me for The Safety House transaction which is</p>	<p style="text-align: right;">Page 225</p> <p>1 you?</p> <p>2 A What do you want me to call it? Not fraud?</p> <p>3 Q That's the fraud you are referring to?</p> <p>4 A Yeah.</p> <p>5 Q And it says, enclosed invoices that are e-mail</p> <p>6 proof of receiving e-mail and Manfred testimony</p> <p>7 parenthesis lie, to the Bar of Texas.</p> <p>8 Do you see that? Last line right</p> <p>9 before you wrote thanks, Gary Weiss. See where it</p> <p>10 says, enclosed invoice. Right above where it says,</p> <p>11 thanks, Gary Weiss, you write, enclose invoice.</p> <p>12 Their e-mail proof of receiving e-mail. I think</p> <p>13 you meant collateral there, didn't you? And</p> <p>14 Manfred testimony, lie to the Bar of Texas.</p> <p>15 Do you see that?</p> <p>16 A I see it.</p> <p>17 Q So you believe that the letter dated April 22,</p> <p>18 2022, that Manfred Sternberg submitted to the Bar</p> <p>19 of Texas contained lies?</p> <p>20 A Well, it didn't say anything about already I'm</p> <p>21 giving collateral at this time and they have</p> <p>22 already something back. No.</p> <p>23 Q So just for the record, you don't know what</p> <p>24 Zekaria did with the money over and above what she</p>

57 (Pages 222 to 225)

<p style="text-align: right;">Page 226</p> <p>1 paid you --</p> <p>2 A No.</p> <p>3 Q -- from the money that Sternberg sent her;</p> <p>4 right?</p> <p>5 A No, I don't.</p> <p>6 MR. LAVER: When do we get a copy of</p> <p>7 whatever you --</p> <p>8 MR. LIGHTMAN: They are making it</p> <p>9 right now.</p> <p>10 MR. LAVER: Where did this come</p> <p>11 from?</p> <p>12 MR. LIGHTMAN: This was so -- jumped</p> <p>13 out at me, I ran and made five copies of it.</p> <p>14 Your guy's not getting out on summary</p> <p>15 judgment.</p> <p>16 MR. LAVER: Watch it. Watch it.</p> <p>17 MR. LIGHTMAN: You got a lunch bet.</p> <p>18 MR. LAVER: What?</p> <p>19 MR. LIGHTMAN: You got a dinner bet.</p> <p>20 Excuse me.</p> <p>21 BY MR. LIGHTMAN:</p> <p>22 Q I'm going to show you Manfred Sternberg</p> <p>23 Deposition Exhibit-15. Do you remember that?</p> <p>24 That's your exchanges April 4. This is Manfred</p>	<p style="text-align: right;">Page 228</p> <p>1 back to you on April 4th at 1:42 p.m., Dear Gary,</p> <p>2 you have asked that I make the following statement</p> <p>3 which is mutually agreed. As along as no one files</p> <p>4 a grievance or lawsuit against me, I do not have</p> <p>5 any grievances against you regarding the shipment</p> <p>6 of COVID-19 test kits by you and I will not file</p> <p>7 any lawsuit against Gary Weiss and/or A. Solar</p> <p>8 Diamond concerning the transaction less I am</p> <p>9 required by law to join you in any lawsuit against</p> <p>10 me for claims of contribution or indemnity as a</p> <p>11 result of this transaction.</p> <p>12 Do you see that?</p> <p>13 A I'm reading what you read.</p> <p>14 Q That's what he wrote to you, but you weren't</p> <p>15 satisfied with the qualification he put on that.</p> <p>16 You wanted an absolute I'm not going to sue you and</p> <p>17 he didn't give you that; right?</p> <p>18 A No, he did not.</p> <p>19 Q He didn't. Right. So then you wrote, on --</p> <p>20 10:49, okay. I did pay for the merchandise with</p> <p>21 diamonds and jewelry. They did switch the</p> <p>22 merchandise in that morning of the pickup of the</p> <p>23 boxes. I found out when I picked up from the</p> <p>24 warehouses that the boxes containing these \$10</p>
<p style="text-align: right;">Page 227</p> <p>1 Sternberg sent you, if you go back, turn to page</p> <p>2 two of this. He's asking you to sign a declaration</p> <p>3 that he wants to submit to the Texas Bar; correct?</p> <p>4 A Correct.</p> <p>5 Q And on page two of Sternberg-15 he writes --</p> <p>6 you write, hi, Manfred. As soon as I get from you</p> <p>7 a declaration that you do not have any grievances</p> <p>8 regarding the shipment of COVID-19 test kits and</p> <p>9 will not attempt any lawsuit against me or A. Solar</p> <p>10 Diamond, LLC nor any claim against me, I will grant</p> <p>11 you the declaration that you want; right?</p> <p>12 A Right.</p> <p>13 Q You write in here, A. Solar Diamond, LLC?</p> <p>14 A Right.</p> <p>15 Q So they did have some involvement in these</p> <p>16 test kits transactions because you are asking him</p> <p>17 to write an e-mail or some statement from you, a</p> <p>18 declaration that you -- that he doesn't have any</p> <p>19 grievance against you or A. Solar Diamond, LLC;</p> <p>20 right?</p> <p>21 A Correct.</p> <p>22 Q And then you write -- then he writes back</p> <p>23 above that, you wrote that Monday, April 4 at 6:58</p> <p>24 from you to Manfred at 6:58 a.m. and then he writes</p>	<p style="text-align: right;">Page 229</p> <p>1 values, so I paid once. I did give collateral, so</p> <p>2 I am paying a second time. I have nothing left for</p> <p>3 a third time. I want to avoid a lawsuit which will</p> <p>4 cost money more. Do you see that?</p> <p>5 A What page are you now?</p> <p>6 Q I'm right above that e-mail that you wrote to</p> <p>7 him; right? You are telling him they switched the</p> <p>8 merchandise and you paid for it. You gave him</p> <p>9 collateral and you don't want to pay a third time.</p> <p>10 Do you see that on April 4?</p> <p>11 A You are looking here. Page two, second page?</p> <p>12 Q I'm sorry. Bottom of the first page.</p> <p>13 A Okay.</p> <p>14 Q So you write back to him and he writes back to</p> <p>15 you, hi, Gary, what would you like me to do with</p> <p>16 this information? Can you sign the declaration I</p> <p>17 sent to you; right? And the next e-mail above</p> <p>18 that.</p> <p>19 A Okay. Show me because you are moving ahead of</p> <p>20 me and I don't know that I'm moving.</p> <p>21 Q Right there. The response saying, hi, Gary.</p> <p>22 What would you like me to do with this information?</p> <p>23 Can you sign the declaration; right?</p> <p>24 A Okay.</p>

58 (Pages 226 to 229)

<p style="text-align: right;">Page 230</p> <p>1 Q So you said earlier you never spoke with</p> <p>2 Manfred, but you had numerous e-mail exchanges with</p> <p>3 him?</p> <p>4 A E-mail, yes.</p> <p>5 Q How about texts? You had texts with him, too;</p> <p>6 right? We will get to this.</p> <p>7 A I don't remember right now.</p> <p>8 Q Okay. I'll show you.</p> <p>9 A Talking physically, no.</p> <p>10 Q You never talked -- did you ever talk to him</p> <p>11 on the phone?</p> <p>12 A I don't think so.</p> <p>13 Q You don't remember?</p> <p>14 A I don't think so. No.</p> <p>15 Q Okay.</p> <p>16 A I would say no. I would say no.</p> <p>17 Q But you had numerous exchanges with him by</p> <p>18 e-mail and text? Maybe text we will get to that.</p> <p>19 Let's go to that. Ready. After you write -- after</p> <p>20 he writes, what would you like me to do with this</p> <p>21 information, then you write to him, on April 6 at</p> <p>22 5:42 a.m., well, the declaration is far from the</p> <p>23 truth as I know it. Do you see that?</p> <p>24 A Where are you? I'm sorry. I'm a little bit</p>	<p style="text-align: right;">Page 232</p> <p>1 BY MR. LIGHTMAN:</p> <p>2 Q Gary Weiss-10. Yes. Here is Gary Weiss-10.</p> <p>3 Gary Weiss-10, do you recognize that as the</p> <p>4 declaration that Sam -- that Manfred Sternberg</p> <p>5 drafted that he wanted you to sign to submit to the</p> <p>6 State Bar of Texas? Do you recognize that?</p> <p>7 A I have seen this before.</p> <p>8 Q And it has Weiss document number 311 and 312</p> <p>9 and 313; right, at the top of it?</p> <p>10 A Oh, okay. I see it.</p> <p>11 Q Here is what I would like you to do. This is</p> <p>12 the declaration that he sent you to sign that you</p> <p>13 said was far from the truth, as I know it; right?</p> <p>14 A Of course.</p> <p>15 Q I would like you to take a pen and go through</p> <p>16 the declaration and underline everything in this</p> <p>17 declaration that he wrote that you don't think is</p> <p>18 true. Okay. And while you are doing that, I will</p> <p>19 look through this stuff. In this declaration draft</p> <p>20 declaration, underline everything that you believe</p> <p>21 is not true. Just underline it.</p> <p>22 ---</p> <p>23 (Recess taken from 2:43 until 2:54 p.m.)</p> <p>24 ---</p>
<p style="text-align: right;">Page 231</p> <p>1 dizzy, so I'm not as quick as you so...</p> <p>2 Q Okay.</p> <p>3 A Well, the declaration is far from the truth as</p> <p>4 I know it.</p> <p>5 Q That's the declaration that he drafted to you</p> <p>6 for you to sign; right?</p> <p>7 A Exactly.</p> <p>8 Q You reviewed it and you said it's far from the</p> <p>9 truth; right?</p> <p>10 A Yes.</p> <p>11 Q I asked you to bring that with you. Did you</p> <p>12 bring that with you today?</p> <p>13 A I don't know. I brought some papers. I don't</p> <p>14 know what's inside.</p> <p>15 Q No matter because when I was preparing for</p> <p>16 this deposition, I found it.</p> <p>17 MR. LIGHTMAN: Let's mark this as</p> <p>18 Gary Weiss-10.</p> <p>19 THE WITNESS: You found it. It may</p> <p>20 be also here. I put everything that I have</p> <p>21 there inside.</p> <p>22 (Three-page photocopy of declaration</p> <p>23 of Gary Weiss marked GW-10, for</p> <p>24 identification.)</p>	<p style="text-align: right;">Page 233</p> <p>1 BY MR. LIGHTMAN:</p> <p>2 Q You have now -- I hand you back Deposition</p> <p>3 Exhibit GW-4 with underlines on. The underlines</p> <p>4 are what you underlined that is not shown here;</p> <p>5 right?</p> <p>6 A It looks not right.</p> <p>7 Q So now Deposition Exhibit GW-10 contains</p> <p>8 underlines of stuff that is in here that's not</p> <p>9 true; correct?</p> <p>10 A Yes.</p> <p>11 Q Let's go on the record for a second. Are you</p> <p>12 ready?</p> <p>13 MR. LIGHTMAN: During the lunch</p> <p>14 break, Mr. Weiss let me look through a bag of</p> <p>15 his documents and I made one copy of the</p> <p>16 documents sticking out of each of these</p> <p>17 folders and I will represent to counsel, all</p> <p>18 of the documents sticking out have been</p> <p>19 copied and I'm going to put this paperclip,</p> <p>20 put a little clip on it and I will get these</p> <p>21 documents copied and I will find the last</p> <p>22 Weiss document number and add them to that</p> <p>23 and send you a copy, Mr. Laver, and you a</p> <p>24 copy, Mr. Healey? Healey. Right. Sorry.</p>

<p style="text-align: right;">Page 234</p> <p>1 Sorry. Getting old sucks. There is one 2 additional set here that I'm going to get 3 copied at the break. I don't think they were 4 copied. 5 BY MR. LIGHTMAN: 6 Q But other than that, here are your documents, 7 Mr. Weiss. 8 A This is all? 9 Q The ones I did not copy are in your folder. 10 The only other thing that's missing, here is 11 another copy of -- here is your bank records which 12 have been marked as eight. Here is your bank 13 records? 14 A Mine was color. 15 Q Right here. Let me do this. Take this right 16 now. I'm going to make a color copy and I will 17 send you back the color copy. Do you understand 18 what I'm saying? Take this so you have it? 19 A I need the color copy. 20 Q I'm going to my office, make a color copy and 21 send you back the original color copy. Okay? 22 A Yes. 23 MR. LIGHTMAN: So Deposition Exhibit 24 GW-8, here is a black and white copy for</p>	<p style="text-align: right;">Page 236</p> <p>1 A Right. 2 Q So in paragraph 17 or paragraph seven you 3 underline that, that Zekaria had been a lawyer I 4 used for many years; right? 5 A Right. 6 Q So when Manfred Sternberg wrote that in your 7 draft, that wasn't a true statement; correct? 8 A Correct. 9 Q And in paragraph ten you wrote, when Manfred 10 wrote, on or about February 8th, a manifest or bill 11 of lading was created by Available Movers and 12 Storage was provided by Charlton A. Solar, you 13 underlined that because that's not true; right? 14 A No. 15 Q No, that's correct? 16 A That's not true. 17 Q That's not true. You never got any bill of 18 lading? 19 A I didn't see -- let me put it this way. 20 Q You never got any bill of lading from AMS; 21 right? 22 A No. 23 Q You never provided any bill of lading or 24 manifest to Sam Gross; correct?</p>
<p style="text-align: right;">Page 235</p> <p>1 counsel, Mr. Healey, and Mr. Laver, I gave it 2 to you. 3 BY MR. LIGHTMAN: 4 Q And I will take the color copy that you gave 5 me, Mr. Weiss, and send it back to you after I make 6 a color copy of it. 7 A You think they can make color copies. They 8 can. Really? You know for sure? 9 Q No. But I'll make it. I know I can. 10 A No problem. 11 Q Look at Gary Weiss-10, the declaration that 12 Mr. Sternberg drafted and sent to you. Do you have 13 that in front of you? 14 A Okay. 15 Q In paragraph -- you testified earlier that 16 this was the first time that you Zekaria and you 17 met her; right? 18 MR. LAVER: Wait. Say that again. 19 So I'm sorry. 20 BY MR. LIGHTMAN: 21 Q This morning when I asked you, is this the 22 first time you used Daphna Zekaria, you said yes. 23 And you said you didn't know her and that Sam Gross 24 found her for you?</p>	<p style="text-align: right;">Page 237</p> <p>1 A No. 2 Q You never provided any bill of lading or 3 manifest to Charlton; correct? 4 A Correct. 5 Q You never provided any bill of lading or 6 manifest to Sternberg or his law firm; correct? 7 A Correct. 8 Q And in 11 -- 9 A I would like to -- you are going too fast. 10 You are saying manifest and bill of lading, is this 11 one form? 12 Q Do you know what a manifest is? 13 A It's like a list; right? But bill of lading 14 is a legal document, isn't it? 15 Q Let's break it up. You never got a bill of 16 lading from everybody from -- 17 A Correct. 18 Q -- from Available Moving and Storage or Sam 19 Gross or Charlton or Sternberg or his law firm; 20 correct? 21 A Yes. Why do I ask? Because you provided me 22 with a manifest before. Do you remember? 23 Q They are lists. Okay? 24 A That's a manifest.</p>

<p style="text-align: right;">Page 238</p> <p>1 Q But it's not a bill of lading?</p> <p>2 A Exactly.</p> <p>3 Q Paragraph 11, it says in here, paragraph 11,</p> <p>4 Sternberg writes, I personally assured Sam and his</p> <p>5 Attorney Manfred by e-mail, text and telephone</p> <p>6 conversation. Do you see that?</p> <p>7 A You are on 11 right now?</p> <p>8 Q Yes. So you didn't underline by telephone.</p> <p>9 You claim that -- strike that.</p> <p>10 Does this refresh your recollection</p> <p>11 as to whether you had telephone conversations with</p> <p>12 Manfred?</p> <p>13 A I don't remember ever speaking to him.</p> <p>14 Q So you don't know whether Manfred writing that</p> <p>15 you assured him by telephone is a true statement or</p> <p>16 not; correct?</p> <p>17 A I don't remember. I don't know if I ever</p> <p>18 spoke to Mr. Manfred.</p> <p>19 Q Okay.</p> <p>20 A So I didn't underline it, you know.</p> <p>21 Q But you underlined --</p> <p>22 A But I am saying, again, I don't think I ever</p> <p>23 spoke to Mr. Manfred.</p> <p>24 Q But you underlined here the word immediately</p>	<p style="text-align: right;">Page 240</p> <p>1 Q There's no A. Solar. There's no team at A.</p> <p>2 Solar; correct?</p> <p>3 A Yes.</p> <p>4 Q And then in number 12 he writes, I honestly</p> <p>5 believe that trucks with product to deliver</p> <p>6 product. That's not true; right?</p> <p>7 A No.</p> <p>8 Q That's not true. Because the trucks --</p> <p>9 A It's in the warehouse.</p> <p>10 Q It's in the warehouse and they never gave you</p> <p>11 bills of lading?</p> <p>12 A Exactly.</p> <p>13 Q And then you wrote in 13, through no fault of</p> <p>14 Charlton due to an unforeseen personnel and</p> <p>15 logistics problem within A. Solar, we have to date</p> <p>16 been unable to deliver the product as we</p> <p>17 represented and agreed. You underlined through no</p> <p>18 fault of Charlton; right?</p> <p>19 A Right.</p> <p>20 Q Why is that not true?</p> <p>21 A No bill of lading.</p> <p>22 Q Okay. And --</p> <p>23 A I asked him from that delivery point where I</p> <p>24 gave it to the Available Movers to move forward the</p>
<p style="text-align: right;">Page 239</p> <p>1 because you said you never personally assured Sam</p> <p>2 and his attorney that the product would be</p> <p>3 delivered immediately; correct?</p> <p>4 A I delivered it immediately.</p> <p>5 Q He wrote that you told him the product would</p> <p>6 be delivered immediately. That's not true; right?</p> <p>7 A I don't know what they said to their</p> <p>8 customers.</p> <p>9 Q Right. But he's saying in paragraph 11 -- he</p> <p>10 prepared a declaration and he wants you to tell the</p> <p>11 Texas Bar that you told Sam and Manfred that the</p> <p>12 product was en route and being delivered</p> <p>13 immediately. That's what --</p> <p>14 A But it was stopped on the truck.</p> <p>15 Q So it never was being delivered immediately?</p> <p>16 A No.</p> <p>17 Q So that's a lie that Manfred Sternberg put in</p> <p>18 his --</p> <p>19 A Well, it's not correct. Right.</p> <p>20 MR. LAVER: Objection.</p> <p>21 BY MR. LIGHTMAN:</p> <p>22 Q And then he says, he writes in here, that is</p> <p>23 what my team at A Solar told me. Do you see that?</p> <p>24 A There's no A. Solar.</p>	<p style="text-align: right;">Page 241</p> <p>1 ball. You know, otherwise it's not going to be</p> <p>2 moving. These guys do not deliver without bill of</p> <p>3 lading.</p> <p>4 Q And Mr. Sternberg writes, he wants you to say,</p> <p>5 due to an unforeseen personnel and logistics</p> <p>6 problem within A. Solar; is that accurate?</p> <p>7 MR. LAVER: Objection to form.</p> <p>8 BY MR. LIGHTMAN:</p> <p>9 Q Is that a true statement that Mr. Sternberg</p> <p>10 put in his --</p> <p>11 A Of course not. I delivered the merchandise to</p> <p>12 Sam. Right? I put it on the truck. That's how</p> <p>13 they requested it. To put it on the truck and</p> <p>14 Zekaria was verified that it's on the truck and</p> <p>15 then I get the money which happened. Then I got</p> <p>16 the money.</p> <p>17 Q What's the -- is there an unforeseen personnel</p> <p>18 and logistics problem within A. Solar that</p> <p>19 prevented the delivery?</p> <p>20 A There's no A. Solar.</p> <p>21 Q So when Sternberg wrote that he wanted you to</p> <p>22 say to the Texas Bar due to an unforeseen personnel</p> <p>23 and logistics problem within A. Solar, that's not</p> <p>24 true?</p>

61 (Pages 238 to 241)

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1 **A That's not true. I put it on the truck.**
 2 Q And then it says in 14, it's A. Solar's
 3 responsibility to Charlton to fill their order and
 4 you wrote A. Solar, that's not true; right?
 5 **A Correct.**
 6 Q And then he wants you to write in April A.
 7 Solar is still as of this date attempting to fill
 8 the order and stands behind it. That's not true?
 9 **A Which number are you on?**
 10 Q Fourteen.
 11 **A Fourteen.**
 12 Q A. Solar is still and as of this date
 13 attempting to fill the order and stands behind this
 14 transaction. That's not true; correct?
 15 **A What date was this written?**
 16 Q He wants you to sign this in April which is
 17 after either the stuff disappeared from the
 18 warehouse or turned to rice?
 19 **A I already gave refund by then.**
 20 Q So that 14 is not true?
 21 **A Yes.**
 22 Q By the way, is there anywhere in this
 23 declaration that Manfred Sternberg drafted for you
 24 to sign, is there anything in here about you giving

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1 to Charlton to fill their order. A. Solar is still
 2 as of this date attempting to fill the order. You
 3 weren't in April attempting to fill the order;
 4 right?
 5 **A No. My question is, was this sent to me in**
 6 **April?**
 7 Q Yes.
 8 **A For sure?**
 9 Q Uh-hum.
 10 **A Okay.**
 11 Q It was sent to you to sign after you gave them
 12 collateral and they accepted that?
 13 **A That I know, but I just don't know the date of**
 14 **this thing.**
 15 Q It's in the -- I'll get to it. Then in 16, he
 16 wants you to state to the Texas Bar, I have read
 17 Manfred Sternberg's response to the Office of the
 18 Texas Disciplinary Counsel and confirm that all the
 19 facts stated therein about me are consistent with
 20 this declaration and true and correct. Do you see
 21 that?
 22 **A Yes.**
 23 **MR. LAVER:** Objection to form. You
 24 are misstating.

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1 them control?
 2 **A Here?**
 3 Q Yes.
 4 **A I didn't see.**
 5 Q Is anything about Sam agreeing to release from
 6 you any further responsibility once you gave them
 7 the collateral that they accepted?
 8 **A Can you rephrase?**
 9 Q Is there anything in the draft declaration?
 10 **A I don't see anything. I must stop you. I**
 11 **must stop you. I need my coffee. No. I'm a**
 12 **little bit cold. I don't know why. Maybe this**
 13 **will warm me up. I'm sorry. We were at 14?**
 14 Q Yes. You weren't in April attempting to fill
 15 the order and standing behind the transaction?
 16 **A Oh, no. Of course not.**
 17 Q That's not a true statement that Sternberg put
 18 in this draft declaration; correct?
 19 **A You're on 14?**
 20 Q Yes.
 21 **A Yeah.**
 22 Q And 15?
 23 **A Are you sure this was written 14?**
 24 Q Fourteen says, it is A. Solar's responsibility

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1 You may proceed.
 2 BY MR. LIGHTMAN:
 3 Q Well, I'll start again. Because I apologize
 4 if I did. Sixteen says, I have read Manfred
 5 Sternberg's response to the Office of the Texas
 6 Disciplinary Counsel and confirm that all of the
 7 facts stated therein about me are consistent with
 8 this declaration and are true and correct. Is that
 9 what it says?
 10 **A Yeah.**
 11 Q But that's a false?
 12 **A Well, I marked all this down so...**
 13 Q You underlined, so that's false. You believe
 14 that to be false?
 15 **A It's not true.**
 16 Q And then number 17 where he writes all of
 17 these delays are commercially reasonable in light
 18 of the global supply chain disruption due to COVID.
 19 You underlined that; right?
 20 **A Yeah.**
 21 Q You don't think that's true; right?
 22 **A I put 365,000 COVID-19 test kits on a truck,**
 23 **so I don't know what is the global supply, but I**
 24 **know what I did.**

<p style="text-align: right;">Page 246</p> <p>1 MR. LIGHTMAN: Can we mark this as</p> <p>2 11; right?</p> <p>3 (Two-page photocopy of declaration of</p> <p>4 Sam Gross marked GW-11, for identification.)</p> <p>5 BY MR. LIGHTMAN:</p> <p>6 Q I will represent to you, Mr. Weiss, that Gary</p> <p>7 Weiss-11, is a true and correct copy of the</p> <p>8 declaration signed -- actually signed by Sam Gross</p> <p>9 that Manfred Sternberg drafted from that was</p> <p>10 submitted to the Texas Bar and is part of Mr.</p> <p>11 Sternberg's response.</p> <p>12 Did you see this before?</p> <p>13 A No. This is the first time I see it.</p> <p>14 Q Okay.</p> <p>15 A When was this drafted?</p> <p>16 Q By the way, for the record, it bears Sternberg</p> <p>17 document number 1278 through 1279. I don't know</p> <p>18 when it was drafted, but it says that it was signed</p> <p>19 in April -- on April 24, 2022. And based upon what</p> <p>20 I know, after you refused to sign the declaration</p> <p>21 or at the same time he was drafting the declaration</p> <p>22 for you, Mr. Sternberg was drafting this for Mr.</p> <p>23 Weiss, so I --</p> <p>24 A I get the picture. I know what it is.</p>	<p style="text-align: right;">Page 248</p> <p>1 Q You did. When I marked that Manfred Sternberg</p> <p>2 Deposition on February 7. I showed it to him. He</p> <p>3 claimed that those documents are fabricated, not</p> <p>4 accurate documents?</p> <p>5 MR. LAVER: Objection to form.</p> <p>6 BY MR. LIGHTMAN:</p> <p>7 Q Do you agree that -- did you make up those</p> <p>8 documents, or did you just produce them in the form</p> <p>9 that they were in?</p> <p>10 A Okay. This is screenshots?</p> <p>11 Q Yes.</p> <p>12 A Of messages from Sam Gross to me.</p> <p>13 Q Okay. So you didn't fabricate those</p> <p>14 documents?</p> <p>15 A No.</p> <p>16 Q Did you fabricate any of those documents?</p> <p>17 A None.</p> <p>18 Q Did you falsify any of the information in</p> <p>19 those documents?</p> <p>20 A None. And they do exist on my phone by the</p> <p>21 way, still.</p> <p>22 Q Excellent.</p> <p>23 A So this is not just a piece of copy paper.</p> <p>24 The original is right here on the phone.</p>
<p style="text-align: right;">Page 247</p> <p>1 Q Take your pen and go through, Mr. Weiss's,</p> <p>2 declaration -- Mr. Gross's declaration and same</p> <p>3 thing. Underline everything in there that you do</p> <p>4 not believe is true.</p> <p>5 A Mr. Lightman, on paragraph -- on second</p> <p>6 paragraph, I confirm and agree with all facts</p> <p>7 stated. Where are those facts? Can I see them?</p> <p>8 Q That's in -- I can show you the declaration?</p> <p>9 A Am I asking too much? Do you want me to</p> <p>10 underline what I think is not correct?</p> <p>11 Q Yes. Did you go through that?</p> <p>12 A I gave it to you.</p> <p>13 MR. LIGHTMAN: I'll make a copy of</p> <p>14 this when we take a break.</p> <p>15 MR. LAVER: Can I just see it?</p> <p>16 MR. LIGHTMAN: Sure.</p> <p>17 MR. LAVER: Okay. I'm with you.</p> <p>18 BY MR. LIGHTMAN:</p> <p>19 Q All right. Let's do -- I'd like to show you</p> <p>20 now what's been previously marked as Manfred</p> <p>21 Sternberg Deposition Exhibit-31. Look through</p> <p>22 those, please.</p> <p>23 A Oh, okay. Looks like I introduced these</p> <p>24 things.</p>	<p style="text-align: right;">Page 249</p> <p>1 Q Each of these documents bears a Weiss document</p> <p>2 number at the top of each page; right?</p> <p>3 A Weiss, yeah.</p> <p>4 Q You produced these during discovery in this</p> <p>5 case; correct?</p> <p>6 A I don't remember when I did produce these.</p> <p>7 Q Did you fabricate any documents you produced</p> <p>8 in discovery?</p> <p>9 A None.</p> <p>10 Q And one of the reasons he claims that you</p> <p>11 fabricated these documents is if you look at the</p> <p>12 first where it says Sam Gross, it's spelled with</p> <p>13 three S's instead of two. Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Why is that? Do you know?</p> <p>16 A That's how I have his name in my phone.</p> <p>17 Q You have G-r-o-s-s-s in your phone?</p> <p>18 A Yeah.</p> <p>19 Q Let's look at the first page. Okay. This is</p> <p>20 Weiss document six. Sam Gross wrote this text to</p> <p>21 you; right?</p> <p>22 A Yeah.</p> <p>23 Q In the white part?</p> <p>24 A In white part, yes.</p>

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1 Q He writes, this text is to confirm I never
 2 wanted your collateral. Manfred Sternberg had
 3 requested it and he had confirmed through our
 4 lawyer as well. Per his request, I obtained it
 5 from you. Do you see that?
 6 **A I see.**
 7 Q Now, Manfred Sternberg testified on February 7
 8 that it wasn't his idea to give collateral. Did
 9 you agree with that?
 10 **A I don't know what went between the two of**
 11 **them.**
 12 Q The idea came -- of collateral came up after
 13 you said I'll give you guys a refund; right?
 14 **A I don't think so.**
 15 Q Why not?
 16 **A On February 20 or 21 Sam told me that he will**
 17 **need the refund because of the delays he will need**
 18 **the collateral in form of the diamonds, which I did**
 19 **not want to give. But he said, listen, this is not**
 20 **being delivered and I have to do what my lawyer's**
 21 **advising me or telling me to do. So I agreed.**
 22 Q Okay. Let's look at the second page of this
 23 Manfred Exhibit-30. It's labeled Weiss-8. Do you
 24 see that?

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1 him we are done. Do you see that?
 2 **A Yeah.**
 3 Q And then if you go to the next page Weiss-10
 4 at the top it says, Manfred Sternberg, Esquire. Do
 5 you see that?
 6 **A I see.**
 7 Q And, again, how did you get this document?
 8 **A This was a screenshot that Sam sent me of**
 9 **communication between the two of them.**
 10 Q Between Manfred and Sam?
 11 **A Yeah.**
 12 Q So Sam's writing, what do you think, as I'm on
 13 hold again. Sucks for me, too. And then Manfred
 14 writes back, don't want refund as we will lose. Do
 15 you see that?
 16 **A Yeah.**
 17 Q What is -- do you know what Manfred means by
 18 that.
 19 **A (Shakes head from side to side.)**
 20 Q No. Okay. So then go to the next page again,
 21 Weiss-11, is this another screenshot of text
 22 between Sam Gross and Manfred that have --
 23 **A That's what it looks to me, yeah.**
 24 Q And Manfred is writing, next lie from him, we

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1 **A Uh-hum.**
 2 Q And this is an e-mail exchange between Sam
 3 Gross and Manfred that Sam Gross sent to you?
 4 **A You are on second page?**
 5 Q Second page. Yes. It is saying, what do you
 6 -- on the blue it says, Sam Gross is at the top of
 7 this page; right?
 8 **A Right.**
 9 Q And in the blue it says, what do you think as
 10 I'm on hold again. Sucks for me, too. And then on
 11 the black and white writes back, don't want refund
 12 as we will lose. Do you see that?
 13 **A Yeah.**
 14 Q And that's from Manfred to Sam?
 15 **A He is sending me screenshot.**
 16 Q Of what -- of the text between him and
 17 Manfred?
 18 **A I assumed.**
 19 Q And then Sam Gross writes, okay. So what time
 20 line do I give him to perform in a way that
 21 protects you, me and the business. Do you see
 22 that?
 23 **A Yeah.**
 24 Q And then Manfred writes back, next lie from

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1 are done. I don't think they can deliver that is
 2 the problem. See that, Manfred writing that?
 3 **A Yes.**
 4 Q And then Sam is writing you back because Sam
 5 writes back, because my feeling is no matter what
 6 issues he has, he will deliver and I don't want to
 7 lose. And then Manfred replies yes to that. Do
 8 you see that?
 9 **A Yes.**
 10 Q Next page of this Exhibit Weiss-12 again it
 11 shows Manfred Sternberg's cell phone at the top.
 12 How did you get this page? Another screenshot that
 13 Sam Gross sent you?
 14 **A He shows me their conversations.**
 15 Q You should have these screenshots in your cell
 16 phone; right?
 17 **A I do.**
 18 Q And Manfred should also have them in his
 19 phone; right?
 20 **MR. LAVER: Objection.**
 21 **BY MR. LIGHTMAN:**
 22 Q They're from Manfred's cell phone; right?
 23 **A Yes.**
 24 Q And they are from Sam Gross's cell phone?

<p style="text-align: right;">Page 254</p> <p>1 A Yeah.</p> <p>2 MR. LIGHTMAN: So why haven't I</p> <p>3 gotten any of these documents produced,</p> <p>4 Mr. --</p> <p>5 MR. LAVER: You are asking me?</p> <p>6 MR. LIGHTMAN: Yes.</p> <p>7 MR. LAVER: Well, my objection is</p> <p>8 because he's not a tech wizard. He has no</p> <p>9 idea what's on Manfred's phone. As I have</p> <p>10 already stated to you and I'll state on the</p> <p>11 record, my client retained a forensic guy</p> <p>12 that is going to go through everything and we</p> <p>13 will have a supplement.</p> <p>14 BY MR. LIGHTMAN:</p> <p>15 Q And the next page, Weiss-14, again, says</p> <p>16 photo. The next page says, photo at the top. Is</p> <p>17 that because that's a photo of a screenshot that</p> <p>18 was sent to you?</p> <p>19 A Yes.</p> <p>20 Q And this is Manfred writing, wrong text.</p> <p>21 Here's the right one. Dear Manfred, I am the one</p> <p>22 to blame. You and Sam did not know about the</p> <p>23 problems with the shipping, nor did I. I am sure</p> <p>24 you guys want it delivered to your customers, but</p>	<p style="text-align: right;">Page 256</p> <p>1 and Sam.</p> <p>2 Q And Sam is sending this to you because he</p> <p>3 wants you to write this to them; right?</p> <p>4 A He send this to me because he made a mistake.</p> <p>5 He should have never sent it.</p> <p>6 Q Sam shouldn't have sent it to you?</p> <p>7 A Exactly.</p> <p>8 Q You never wrote this text to Manfred; right?</p> <p>9 A No.</p> <p>10 Q Look at the next page. This is another</p> <p>11 screenshot of a text exchange between Manfred and</p> <p>12 Sam that Sam e-mailed to you or sent to you; right?</p> <p>13 A Correct.</p> <p>14 Q And Manfred is saying to Sam, he is buying</p> <p>15 himself and his lawyer a bunch of bad PR and claims</p> <p>16 of fraud and wire fraud. Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Do you know why he said that to you?</p> <p>19 A Same reason like the page before.</p> <p>20 Q It says, especially last Friday when he said</p> <p>21 less than 45 minutes away and I scrambled to send</p> <p>22 him another 190,000. Do you see that?</p> <p>23 A Yeah.</p> <p>24 Q So the \$190,000 was wired to you?</p>
<p style="text-align: right;">Page 255</p> <p>1 the delays were on my side. Again, I apologize.</p> <p>2 Until I find out the truth, I'm upping the</p> <p>3 collateral, four million with Sam. In the</p> <p>4 meantime, sorry for creating this delivery problem.</p> <p>5 Gary.</p> <p>6 Is that something you wrote to</p> <p>7 Manfred?</p> <p>8 A This is something that Manfred wrote to Sam,</p> <p>9 so I write and they have a record that that's what</p> <p>10 I said.</p> <p>11 Q So did you actually say this or this is what</p> <p>12 Manfred wanted you to write to him?</p> <p>13 MR. LAVER: Objection.</p> <p>14 THE WITNESS: That's what I think is</p> <p>15 the whole idea that they want to have certain</p> <p>16 text from me to show that I'm the bad guy.</p> <p>17 BY MR. LIGHTMAN:</p> <p>18 Q So Manfred wants you to send him this text?</p> <p>19 A This is coming from Sam, not from Manfred.</p> <p>20 Okay.</p> <p>21 Q Okay.</p> <p>22 A Sam is sending me this screenshot.</p> <p>23 Q Right.</p> <p>24 A And you can tell that this is between Manfred</p>	<p style="text-align: right;">Page 257</p> <p>1 A Not to me. February 15 maybe.</p> <p>2 Q February 15. Thank you. 2022. And according</p> <p>3 to my calendar here, February -- no. Hold on. You</p> <p>4 got a wire -- Manfred wired to Zekaria 190,000 on</p> <p>5 February 25, 2022.</p> <p>6 Do you agree with that?</p> <p>7 A I don't know when -- when Manfred wired that</p> <p>8 money. I'm not sure. I know about the monies that</p> <p>9 I got, you know.</p> <p>10 Q But you have -- we look at -- if you look at</p> <p>11 Manfred Sternberg Deposition-26 which is his IOLTA</p> <p>12 records for February, on February 25 it shows</p> <p>13 \$190,000 wire from Manfred's escrow account to</p> <p>14 Zekaria. Do you see that?</p> <p>15 A Okay.</p> <p>16 Q So if Manfred wired 190,000 to Zekaria on</p> <p>17 February 25th that's a Friday, according to my</p> <p>18 calendar on my phone?</p> <p>19 A And there on the 28th which is probably Monday</p> <p>20 Zekaria sends me 70,000.</p> <p>21 Q Right. But she got 190 and Manfred is telling</p> <p>22 Sam in this text, especially last Friday -- that's</p> <p>23 February 25 -- when he said less than 45 minutes</p> <p>24 away -- that's you telling these guys the delivery</p>

65 (Pages 254 to 257)

<p style="text-align: right;">Page 258</p> <p>1 is less than 45 minutes away. And I scrambled to</p> <p>2 send him another 190,000?</p> <p>3 A So there is many parts to your question. What</p> <p>4 Manfred sent to Zekaria and when exactly, I don't</p> <p>5 know.</p> <p>6 Q February 25, 190,000?</p> <p>7 A No, but I don't know. You are telling me and</p> <p>8 you are showing me.</p> <p>9 Q I showed you the record.</p> <p>10 A But that's not in my records.</p> <p>11 Q I understand that.</p> <p>12 A But Manfred is saying you told him that the</p> <p>13 delivery is 45 minutes away. I need you to send me</p> <p>14 another \$190,000 which he on Friday scrambled and</p> <p>15 sent to Zekaria; right?</p> <p>16 MR. LAVER: Objection to form.</p> <p>17 That's not at all what he's saying.</p> <p>18 BY MR. LIGHTMAN:</p> <p>19 Q Tell me.</p> <p>20 A I guess, yes.</p> <p>21 Q Correct? Right?</p> <p>22 A Correct. He probably sent her 190,000.</p> <p>23 Q Because you said, he said less than 45 minutes</p> <p>24 away. That's Manfred saying you were telling him</p>	<p style="text-align: right;">Page 260</p> <p>1 Q You didn't circle that?</p> <p>2 A No, sir.</p> <p>3 Q So Sam did that?</p> <p>4 A This is a screenshot that I'm getting from Sam</p> <p>5 Gross. I'm getting it with this red circle. Okay.</p> <p>6 Q You got it with the red circle on it; right?</p> <p>7 A I got it the way you see it.</p> <p>8 Q Got it. Okay. And then turn to this page,</p> <p>9 page Weiss -- it's Weiss document 22 in Manfred</p> <p>10 Sternberg's Deposition Exhibit-31 here this is Sam</p> <p>11 writing to you; right?</p> <p>12 A Right.</p> <p>13 Q And Sam writes, Gary, I would had been haiku,</p> <p>14 h-a-i-k-u, to return the collateral?</p> <p>15 A I would be probably happy he meant and it came</p> <p>16 out --</p> <p>17 Q Haiku?</p> <p>18 A Haiku is what? Happy, in my opinion.</p> <p>19 Q Okay. Hold on.</p> <p>20 MR. LAVER: Off the record.</p> <p>21 ---</p> <p>22 (Discussion off the record.)</p> <p>23 ---</p> <p>24 BY MR. LIGHTMAN:</p>
<p style="text-align: right;">Page 259</p> <p>1 the delivery is less than 45 minutes away, but I</p> <p>2 need another 190,000; right?</p> <p>3 A Correct.</p> <p>4 Q And then he writes, that is classic fraud in</p> <p>5 the inducement and can only be cured by delivery or</p> <p>6 return of all money. Do you see that?</p> <p>7 A I see. I see.</p> <p>8 Q So Manfred is telling Sam that you said</p> <p>9 delivery is imminent. Send me 190,000, but you</p> <p>10 never delivered and Sam and Manfred is saying</p> <p>11 that's classic fraud in the inducement and can only</p> <p>12 be cured by delivery or return of all money;</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q And then Sam says, should we request refund in</p> <p>16 your mind or should I try to close it. Do you see</p> <p>17 that?</p> <p>18 A I see.</p> <p>19 Q And then on the next page it says, don't want</p> <p>20 refund, as we will lose. Do you see that and it's</p> <p>21 circled in red?</p> <p>22 A Right.</p> <p>23 Q Who circled that in red?</p> <p>24 A Sam.</p>	<p style="text-align: right;">Page 261</p> <p>1 Q So he said, I would had been happy to -- it</p> <p>2 says haiku, but you think he meant happy; right?</p> <p>3 A For me, yes.</p> <p>4 Q But then they write, but Manfred won't let me?</p> <p>5 A Yeah.</p> <p>6 Q So Gary -- excuse me -- Sam Gross is telling</p> <p>7 you Manfred won't let Sam return the collateral to</p> <p>8 you; right?</p> <p>9 A Looks like.</p> <p>10 Q And then also Sam writes to you, I would have</p> <p>11 never takes the collateral unless Manfred asked for</p> <p>12 it. So Manfred, since he asked for it, is the one</p> <p>13 you should talk with about it; right?</p> <p>14 A Yeah.</p> <p>15 Q So you are trying to say, well, what about</p> <p>16 giving me my collateral back?</p> <p>17 A Exactly.</p> <p>18 Q And he's saying, I can't help you. You have</p> <p>19 to talk to Manfred?</p> <p>20 A Yeah. Talk to him.</p> <p>21 Q So Sam is telling you go to Manfred?</p> <p>22 A Yeah.</p> <p>23 Q So Sam didn't have the ability to return the</p> <p>24 collateral to you; right?</p>

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1 **A Excuse me? What is the question?**
 2 Q Sam did not have the ability to control the
 3 collateral; correct?
 4 **MR. LAVER:** Objection to form.
 5 BY MR. LIGHTMAN:
 6 Q I will rephrase it. Manfred is controlling
 7 the return of the collateral to you; correct?
 8 **MR. LAVER:** Objection.
 9 THE WITNESS: No. What he -- no.
 10 That's not true, Mr. Lightman. What he's
 11 telling me now that is not going to give it
 12 back to me and I should go to Manfred. Do
 13 you understand?
 14 BY MR. LIGHTMAN:
 15 Q Right.
 16 **A That's what he's saying. He's not saying**
 17 **anything else. Do you know what I mean? He may**
 18 **have it and he's saying go to Manfred.**
 19 Q He's also saying, Manfred won't let him, Sam,
 20 return the collateral?
 21 **A Right. Not sure or not.**
 22 Q Go to the next page. Skip two pages. That's
 23 then. At the bottom of the next page it says, so
 24 you confirm that I gave you the collateral that

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1 **A Yes.**
 2 Q Did you know that Manfred's son was involved
 3 in the decision to take collateral?
 4 **A I never know Manfred has a son. This was**
 5 **first time see that Manfred has a son, you know, in**
 6 **this -- in this text here. Are you done with this?**
 7 Q Yeah. You can put that away.
 8 **MR. LIGHTMAN:** Can we mark this as
 9 --
 10 (One-page photocopy, front and back,
 11 of emails marked GW-12, for identification.)
 12 BY MR. LIGHTMAN:
 13 Q Do you remember e-mailing this to me on
 14 August 16, 2023?
 15 **A From monipair?**
 16 Q From Gary Weiss to Mr. Gary Lightman on
 17 August 16; right?
 18 **A Correct. 2023.**
 19 Q And it is an e-mail dated March 14, 2022?
 20 **A Okay.**
 21 Q Sam Gross sent to you. Do you see that?
 22 **A Yeah.**
 23 Q And it says, good morning. Read this. Then
 24 call me back. Thanks?

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1 Manfred asked for. Do you see that at the bottom
 2 of the page Weiss-23, at the top of page Weiss-24?
 3 **A Yeah. So that's probably me. No?**
 4 Q So you are saying. Yes. And then you are
 5 writing to Sam, so you confirm that I gave you the
 6 collateral Manfred asked for; right?
 7 **A I think so. I don't see the continuation.**
 8 **Yeah. Yeah.**
 9 Q It says that; right?
 10 **A Yeah.**
 11 Q So Manfred is the one that asked for this
 12 collateral; right?
 13 **A That's what Sam told me.**
 14 Q And then you write -- Sam writes back, of
 15 course, why not. You gave me collateral. I didn't
 16 wish for it, but I took it because Manfred pushed
 17 it. Do you see that?
 18 **A It looks like a nice poem.**
 19 Q And then he writes, and here we are. I would
 20 like to add, Manfred asked for collateral on
 21 President's Day Weekend. Turn to next page. Next
 22 page. It says, Manfred asked for collateral on
 23 President's Day Weekend. He had his son with him
 24 and they both came up with this idea; correct?

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1 **A Right.**
 2 Q And he forwarded you an e-mail that on
 3 March 13 Manfred writes -- and then below that is
 4 March 13 e-mail from Randolph Adler to Manfred.
 5 Copy William Berman, subject to follow up.
 6 Do you see that?
 7 **A Uh-hum.**
 8 Q In this e-mail it says, hi, Manfred. It was a
 9 pleasure speaking with you last week. As a follow
 10 up to our conversation, I wanted you to know that I
 11 spoke with the civil litigation counsel, Bill
 12 Berman, who is CC'd, and the client. Based upon
 13 what I conveyed from our conversation, everyone is
 14 cautiously optimistic. Did I read that right?
 15 **A Yes.**
 16 Q If you turn to the last page it says, so we
 17 don't have to bother you, Bill is sending an
 18 agreement that would memorialize our discussion
 19 that if delivery of the product doesn't occur to
 20 your client by say Thursday --
 21 **A Tuesday.**
 22 Q -- by say Tuesday, that Sam will agree to
 23 liquidate the diamonds in his possession and repay
 24 the full balance by Thursday or Friday of this

<p style="text-align: right;">Page 266</p> <p>1 upcoming week.</p> <p>2 Do you see that?</p> <p>3 A Yes, sir.</p> <p>4 Q Thank you again for taking the time to speak</p> <p>5 with me and Bill will be in touch with a simple</p> <p>6 one-page agreement. I appreciate your constant</p> <p>7 professionalism. Please let me know if you want to</p> <p>8 discuss any further -- anything further. Kindest</p> <p>9 regards, Randy; right?</p> <p>10 A Right.</p> <p>11 Q So Manfred told Randy Adler shortly before</p> <p>12 this March 13 e-mail was sent by Randolph to</p> <p>13 Manfred following up their conversation that if his</p> <p>14 client does not get the product, Sam is going to</p> <p>15 liquidate the collateral and give him a full</p> <p>16 refund; right?</p> <p>17 A Black and white says.</p> <p>18 Q That's what this says. What are these yellow</p> <p>19 stickums on here?</p> <p>20 A That's me making just notes just studying</p> <p>21 correspondence and things like that.</p> <p>22 Q I'm sorry. Are you finished?</p> <p>23 A Yeah.</p> <p>24 Q The top yellow stickum says, Ran -- Ralph</p>	<p style="text-align: right;">Page 268</p> <p>1 repay the full balance. Do you see that?</p> <p>2 A Okay. What is between them is correct, you</p> <p>3 know, if they want to get a refund or, you know, I</p> <p>4 don't know the terms of the deal.</p> <p>5 Q So Manfred is telling him you are going to get</p> <p>6 your product or we are going to liquidate the</p> <p>7 diamonds that we have and give you a refund?</p> <p>8 MR. LAVER: Objection to form.</p> <p>9 THE WITNESS: That is correct. That</p> <p>10 Gary Weiss gave to Sam.</p> <p>11 BY MR. LIGHTMAN:</p> <p>12 Q There was the diamonds that they are talking</p> <p>13 about?</p> <p>14 A He doesn't say they have. That Sam later on</p> <p>15 here refers to that Sam has in his possession and</p> <p>16 will start to sell. Not that Manfred will sell.</p> <p>17 Do you understand?</p> <p>18 Q So you are saying, Manfred is telling Randy if</p> <p>19 you don't get your product Sam will --</p> <p>20 A I will tell Sam to sell. Am I correct in</p> <p>21 this?</p> <p>22 Q You don't have to ask questions. You answer</p> <p>23 questions. And then you write in your third</p> <p>24 stickum, Manfred told Randolph Adler about the</p>
<p style="text-align: right;">Page 267</p> <p>1 Adler, attorney for VRC paid 2.2 million to Manfred</p> <p>2 and Sam. Do you see that?</p> <p>3 A Correct.</p> <p>4 Q How did you figure that out?</p> <p>5 A There is some other e-mails referencing to</p> <p>6 that. This is more correspondence between Rick</p> <p>7 Adler and Manfred where he's -- he mentions that</p> <p>8 VRC gave \$2.2 million to Manfred.</p> <p>9 Q And your second yellow stickum that says</p> <p>10 March 13, 2022, you write, Randolph Adler to</p> <p>11 Manfred telling Manfred to sell diamonds he</p> <p>12 received as collateral; right?</p> <p>13 A Correct.</p> <p>14 Q What do you mean by that?</p> <p>15 A At this point on March 13 Mr. Manfred,</p> <p>16 Attorney Manfred, knows that I gave diamonds as</p> <p>17 collateral which turned into a refund, and now</p> <p>18 they can sell them and recover money and buy new</p> <p>19 kits to deliver to their customers. This is why</p> <p>20 they took the money -- the escrow money so they</p> <p>21 have some form of monetary value in their hands.</p> <p>22 Q This doesn't say -- look at the back of this.</p> <p>23 This does not say liquidate the diamonds and buy</p> <p>24 new kits. It says, liquidate the diamonds and</p>	<p style="text-align: right;">Page 269</p> <p>1 collateral days before 3/13/2022.</p> <p>2 What do you mean by that?</p> <p>3 A Okay. I don't remember what was my state of</p> <p>4 mind at the time, but if we put on a big wall all</p> <p>5 the e-mails with dates and we stick that in between</p> <p>6 them, we will see inconsistency of things happening</p> <p>7 and being done which you can only do vet. Do you</p> <p>8 understand what I mean?</p> <p>9 Q Yes, I do. That's exactly what I saw. That</p> <p>10 this date with the declarations with the bar with</p> <p>11 not knowing he's doing that I'm doing and they</p> <p>12 already have a refund in their hand, you know, it</p> <p>13 is just -- which was a lie in this letter here.</p> <p>14 Whatever. I have to put this in front of me and</p> <p>15 find out. All those papers, but that's the notes</p> <p>16 that I'm making there.</p> <p>17 MR. LIGHTMAN: Can we mark these as</p> <p>18 Gary Weiss-12 and Gary Weiss-13 -- 12 is the</p> <p>19 e-mail exchange. Gary Weiss-13 and 14.</p> <p>20 (One-page color photocopy of text</p> <p>21 message marked GW-13, for identification.)</p> <p>22 (One-page color photocopy of text</p> <p>23 message marked GW-14, for identification.)</p> <p>24 BY MR. LIGHTMAN:</p>

68 (Pages 266 to 269)

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1 Q So Gary Weiss-13 and Gary Weiss-14 are
2 screenshots of text messages between you and Daphna
3 Zekaria; correct?

4 **A No. This is a screenshot from Sam to me**
5 **showing what he is texting with her.**

6 Q So this 13 and 14 are screenshots of text
7 exchanges between Daphna Zekaria and Sam Gross?

8 **A Correct.**

9 Q And Daphna's writing shows at the top here and
10 Sam is writing, you took my escrow and are blaming
11 me now or who is writing that? I'm sorry. Let me
12 strike that.

13 Daphna is writing to Sam, you took my
14 escrow and are blaming me now. Excuse my language.
15 Fuck this and remember I will always love you, but
16 not being treated this way. I deserve more than
17 this. You are wrong and I expect an apology, a
18 really big one.

19 Do you see that?

20 **A Yeah.**

21 Q So Daphna is writing to Sam remember I will
22 always love you?

23 **MR. HEALEY:** Objection. We don't
24 know who that is.

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1 **work on the two parties here which is --**

2 Q Zekaria and Gross?

3 **A You can call me again later on. I come any**
4 **time.**

5 Q And next page, she writes, after she writes,
6 think about the street money, Vig your clients and
7 even you have been collecting and benefiting --
8 when he writes for almost six months, he then
9 continues and still collecting as of yesterday.
10 The house of cards cannot make these payments and
11 this is one nasty allegation. I'm really angry and
12 insulted now. The fact that you will benefit from
13 our mutual work, yet you say this to me is highly
14 offensive to me and you cannot use our meeting
15 me -- and you cannot use meeting me at the hotel as
16 a tool, too.

17 Do you understand why -- what he
18 means when he writes this to Daphna?

19 **A Mr. Lightman, your guess as good as mine.**

20 Q Okay.

21 **A Okay.**

22 Q Do you want to guess? What do you think about
23 it?

24 **A I don't want to guess at this point. I think**

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1 BY MR. LIGHTMAN:

2 Q Is that what this text is? Appears to be?

3 **A I read what you read. I cannot interpret it**
4 **any other way. Just look at it.**

5 Q Do you know why Daphna is telling Sam Gross I
6 love you -- I will always love you?

7 **A I don't want to speculate, Mr. Lightman.**

8 Q And then Sam writes back, before you say house
9 of cards, think about the street money Vig your
10 clients and even you have been collecting and
11 benefiting from me for almost six months now.

12 Do you see that?

13 **A Okay.**

14 Q What does Sam mean when he's writing that to
15 Daphna?

16 **A Your guess is as good as mine.**

17 Q Do you have a guess? I know I asked you not
18 to guess, but do you know what they're talking
19 about when they say Vig -- about street money and
20 Vig?

21 **A Mr. Lightman, please talk to Sam about this.**

22 **What I think about it --**

23 Q What do you think about it?

24 **A At this point living like this. I want you to**

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1 **that you know and I know, but I will not guess.**
2 **It's not necessary.**

3 Q Is there a romantic and/or sexual relationship
4 between Sam Gross and Daphna Zekaria?

5 **MR. HEALEY:** Objection.

6 BY MR. LIGHTMAN:

7 Q Correct? Is there any other explanation for
8 this kind of stuff?

9 **A Well, we have some pictures and things like**
10 **this later on that you already have.**

11 Q And you are going to produce them?

12 **A So, if you want to connect the two, don't ask**
13 **me those questions. I just brought this and you do**
14 **the rest.**

15 **A Can I say something on the record?**

16 Q Sure.

17 **A You are the professional to ask the question**
18 **and not me. Okay. So, if you ask and you do**
19 **whatever you want, I'm just here. I'm going to**
20 **answer.**

21 Q I'm going to take it up with Zekaria and
22 Gross, if I ever see Gross.

23 How many COVID or PPE deals did you
24 ever engage in?

<p style="text-align: right;">Page 274</p> <p>1 A Me?</p> <p>2 Q Yes.</p> <p>3 A One.</p> <p>4 Q The one involving Sam Gross and these masks;</p> <p>5 right?</p> <p>6 A Yes.</p> <p>7 Q And your suppliers were Levon and Zadik and no</p> <p>8 one else; right?</p> <p>9 A Zadik.</p> <p>10 Q Did you ever owe Gross money?</p> <p>11 MR. LAVER: Objection to form.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. LIGHTMAN:</p> <p>14 Q You never did. Do you know Gross's criminal</p> <p>15 defense attorneys?</p> <p>16 A I know that it is Daphna Zekaria and I know</p> <p>17 that she called Ron Kuby in, attorney Ron Kuby in</p> <p>18 to help. That's all I know. Yeah.</p> <p>19 Q That would be K-u-b-y, Ron Kuby?</p> <p>20 A How you spell, I'm not sure.</p> <p>21 Q K-u-b-i. That's Ron Kubi. How about Stacey</p> <p>22 Richmond?</p> <p>23 A I heard her name, but I don't know in what</p> <p>24 capacity she does work she does for Sam, you know.</p>	<p style="text-align: right;">Page 276</p> <p>1 A No.</p> <p>2 Q Do you know what Daphna's relationship is with</p> <p>3 Sam?</p> <p>4 A She's his lawyer, we know, representing.</p> <p>5 Q Daphna is Sam's lawyer?</p> <p>6 A Daphna is Sam's lawyer, yes.</p> <p>7 Q Daphna is your escrow -- there is one escrow</p> <p>8 between you and Daphna; correct?</p> <p>9 A Correct.</p> <p>10 Q But you didn't retain her as your lawyer;</p> <p>11 correct?</p> <p>12 A Well, she made some agreement, which I agreed</p> <p>13 to, so we can get the money, and gets it in escrow</p> <p>14 and she gives it to me.</p> <p>15 Q Why were their Home Depot boxes used? Why</p> <p>16 didn't you just leave them in the I-COVID boxes?</p> <p>17 A I don't know the answer to your question.</p> <p>18 That's how I got them.</p> <p>19 Q And you gave all the rice to the school across</p> <p>20 the street?</p> <p>21 A No.</p> <p>22 Q What did you do?</p> <p>23 A I drop parts of the rice to the school. Okay.</p> <p>24 The rest I kept in my truck and I gave away.</p>
<p style="text-align: right;">Page 275</p> <p>1 Q And Zekaria? Do you know who attorney Zekaria</p> <p>2 is, Z-a-k-a-r-i-a?</p> <p>3 A Yeah. We are talking about Daphna Zekaria.</p> <p>4 Q I got you. And the only reason you sent money</p> <p>5 to Taylor Panagakos is because Sam asked you to?</p> <p>6 A Sam asked me to.</p> <p>7 Q Did you ever send her anything other than that</p> <p>8 one 20 or \$25,000?</p> <p>9 A No.</p> <p>10 Q What's your -- do you have any relationship</p> <p>11 with Taylor?</p> <p>12 A No. She's 22 years old and she has a</p> <p>13 boyfriend.</p> <p>14 Q You were never romantically involved with</p> <p>15 Daphna?</p> <p>16 A Never.</p> <p>17 Q Why did you give her the four diamonds as</p> <p>18 collateral?</p> <p>19 A That's what he asked.</p> <p>20 Q So the diamonds you gave to Daphna were</p> <p>21 intended to go to Sam Gross; right?</p> <p>22 A Yes.</p> <p>23 Q Did you ever give Daphna diamonds as</p> <p>24 collateral for her to keep?</p>	<p style="text-align: right;">Page 277</p> <p>1 MR. LIGHTMAN: It's four o'clock.</p> <p>2 Here is what we have agreed to do and I will</p> <p>3 put it on the record.</p> <p>4 We have agreed to conclude this</p> <p>5 deposition at 4:00. I'm going to make copies</p> <p>6 of the documents that you produced today and</p> <p>7 distribute them to Mr. Healey and Mr. Laver.</p> <p>8 You are going to go through your phone and</p> <p>9 print out all those pictures and any other</p> <p>10 pictures you have and any other e-mails you</p> <p>11 have and go through your bank records and</p> <p>12 produce the additional bank records and</p> <p>13 documents and then you are getting operated on</p> <p>14 on January -- or February 29, the end of this</p> <p>15 year. It's knee surgery.</p> <p>16 BY MR. LIGHTMAN:</p> <p>17 Q After about a month recuperation you will</p> <p>18 agree to come back sometime in April?</p> <p>19 A Yeah. I will ask you for the documents that</p> <p>20 you want from me, please send to me in an e-mail.</p> <p>21 Q Would --</p> <p>22 MR. LIGHTMAN: Can you send me a</p> <p>23 list?</p> <p>24 MR. LAVER: I will.</p>

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1 **MR. HEALEY:** And I will let you know
 2 --
 3 **MR. LIGHTMAN:** Why don't you do
 4 this? If you guys can get to me within a
 5 week your list of the documents, I will put
 6 together a global list circulated and once
 7 all three of us reach agreement, I'll send it
 8 to Mr. Weiss.
 9 **MR. LAVER:** And I just want to add
 10 and make clear the deposition is paused.
 11 It's not concluded.
 12 **MR. LIGHTMAN:** No. The deposition
 13 is concluded because I want to be able to use
 14 this if he doesn't show up. But we are going
 15 to have it -- agree to on a second day. I'm
 16 not going to keep it open so I can't use it
 17 at trial. He's concluded and he's agreed to
 18 come back for a second deposition.
 19 **MR. LAVER:** So long as we have the
 20 opportunity to ask questions, that's fine.
 21 Okay.
 22 **THE WITNESS:** Right. I will be back
 23 tomorrow.
 24 **MR. LIGHTMAN:** Lastly, I wish you

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C E R T I F I C A T E

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 3
 4 I, KIMBERLY A. BURSNER, Registered
 5 Professional Reporter, do hereby certify that
 6 the foregoing is an accurate transcript of the
 7 proceedings, as reported by me, in the
 8 case herein stated, and that I am neither
 9 counsel nor kin to any party or participant in
 10 said action, nor interested in the outcome
 11 thereof.
 12
 13
 14

 15 /s/ Kimberly A. Bursner
 16 Registered Professional
 17 Reporter
 18
 19
 20
 21
 22
 23
 24

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1 well in your knee operation.
 2 **COURT REPORTER:** Mr. Laver, do you
 3 want a copy of the transcript?
 4 **MR. LAVER:** Yes. Please.
 5 **COURT REPORTER:** Pat, you want a copy
 6 of the transcript?
 7 **MR. HEALEY:** Can I let you know?
 8 **MR. LAVER:** With exhibits.
 9 (At four o'clock proceedings were
 10 concluded.)
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A	adding 194:18 195:15 198:9 201:21 addition 197:5 additional 234:2 277:12 address 12:11 17:21 17:24 18:18 21:7 21:15,16 22:18 23:23 24:12 27:20 34:9 58:4 68:6 71:18 93:16 96:16 160:19 addressed 160:16 160:19 161:5 addresses 18:3,7 29:10 65:16 95:13 addressing 161:6 adds 201:15,15 Adler 265:4 266:11 267:1,7,10 268:24 admitted 69:9 Advanced 91:5 adverse 7:24 advise 215:2 advised 169:2 214:12 advising 250:21 affect 8:11,16 affirmative 159:19 161:11,22 184:22 agent 28:3 29:23 212:6 agents 215:23 ago 10:7 69:9 agree 13:3 14:3,20 53:16 68:14 224:11 247:6 248:7 250:9 257:6 265:22 277:18 278:15 agreed 51:15,16 52:9 53:5,6 54:15 55:4 56:22 58:10 68:12 162:3,11 172:13 228:3 240:17 250:21 276:12 277:2,4 278:17 agreeing 243:5 agreement 113:19 113:20,24 114:5 114:15,17,24 115:2,12,18,19 116:1,2,4,7,9	117:1 200:10 212:19 215:21 216:14 265:18 266:6 276:12 278:7 agreements 215:11 ahead 126:3,16 159:11 218:1,23 229:19 al 1:7 Alberto 24:6 209:19 209:21 allegation 272:11 allowing 3:16 39:3 139:15 altogether 60:19 82:10 217:15 amend 3:17 39:3 amended 3:22 158:19,24 159:4 161:11 amendment 7:18,23 27:17 34:22 35:3 35:4 37:22 American 1:4 6:15 154:16 amount 70:5 201:16 224:1,4 AMS 100:16,17 102:22 104:23 128:7 129:10 175:18 177:18 179:14 182:2,13 182:19 236:20 AMS's 102:1 104:13 and/or 14:13 60:1 228:7 273:3 angry 272:11 answer 3:21 7:1,5,7 7:19,24 9:21 19:10 38:7,21 63:12,23 95:15 100:24 108:13 117:14 147:14 155:1 158:19,23 159:3 160:19 161:10 166:10 171:10 173:2 184:22 214:8 224:18 268:22 273:20 276:17 answered 9:22 95:22 99:17 answering 94:1,17	159:1 answers 7:1 94:3 anybody 13:18 37:10 42:20 90:16 90:17 anymore 93:18 AOL 18:11 apart 38:3,16 apologies 39:6 apologize 126:3 174:23 245:3 255:1 apology 270:17 appeared 2:1 79:19 185:15,19 186:6 188:5 appearing 39:7 Appears 271:2 appointment 85:15 85:19 appreciate 11:1 266:6 approximately 171:23 172:5,8 220:4 April 117:8 153:20 154:4,11 220:9 225:17 226:24 227:23 228:1 229:10 230:21 242:6,16 243:14 244:3,6 246:19,19 277:18 argue 214:13 221:18 arrange 124:7 arranged 72:12,14 arrangement 175:6 arrangements 61:2 61:5,18,19,21 63:9 162:17,22 173:5,11,12,13,16 173:21,24 174:3,5 174:6,9,10,12,13 174:14,19,23 175:4 arranging 63:3 arrival 175:10,12 175:17 178:1,2,14 178:17 arrive 175:14 arrived 177:17 178:15 182:12,12 182:19 arriving 182:20	aside 206:6 asked 10:18 12:7,9 50:10 51:19 59:7 59:20 68:20 70:1 78:11 90:10 97:15 97:22 118:19 120:22 146:19 148:13 180:11,22 203:6 204:1,17 210:9 212:10,13 222:17 224:18 228:2 231:11 235:21 240:23 261:11,12 263:1,6 263:11,20,22 271:17 275:5,6,19 asking 6:19 11:20 79:15,18 99:12 100:4 158:13 175:3,4 227:2,16 247:9 254:5 aspect 33:19 assert 218:22 asshole 116:16 Associates 2:9 assume 9:21 219:6 assumed 251:18 assumption 219:11 assured 238:4,15 239:1 attach 215:7 attached 12:4 177:5 181:10 182:4 183:8 attempt 227:9 attempting 242:7 242:13 243:14 244:2,3 attention 216:6 attorney 6:14 14:5 39:12,13,15 40:5 71:14 72:8 111:22 112:6,20 113:11 116:24 117:4,6 120:23 121:10 156:17 157:19 159:7 203:13 216:22 221:5,7 222:5,7,21,24 223:4 238:5 239:2 267:1,16 274:17 275:1 attorneys 15:9 36:16,20 71:16 159:3 274:15
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